

Placed on Calendar.
December 29, 1933.

292 as amended follows
House File No. 292X

*See Temperance Act
entitled "Liquor"*

BY COMMITTEE ON LIQUOR CONTROL.

A BILL FOR

An Act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa; to provide for the licensing and revenue thereof; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104) inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any or all laws or parts of laws inconsistent with this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. This Act shall be cited as the Iowa Temperance
2 Act, and shall be deemed an exercise of the police power of the
3 State, for the protection of the welfare, health, peace, morals
4 and safety of the people of the State, and all its provisions
5 shall be liberally construed for the accomplishment of that
6 purpose, and it is declared to be the public policy that the
7 traffic in alcoholic liquors is so affected with a public
8 interest that it should be regulated to the extent of
9 prohibiting all traffic in them, except as hereinafter
10 provided for in this Act through the medium of an Iowa Liquor Control
11 Commission by this Act created, in which is vested the sole

12 and exclusive authority to purchase alcoholic liquors, as
13 defined herein, for the purpose of resale.

1 Sec. 2. Chapter forty-two (42) of the Acts of the
2 forty-fifth (45) General Assembly, Chapters ninety-four (94)
3 to one hundred four (104) inclusive, which includes Sections
4 nineteen hundred twenty-two (1922) to and including section
5 twenty-one hundred eighty (2180) of the nineteen hundred
6 thirty-one (1931) Code of Iowa, and any or all laws or parts
7 of laws inconsistent with this Act, be, and the same are,
8 hereby repealed and the following enacted in lieu thereof.

1 Sec. 3. On and after the effective date of this Act it
2 shall be unlawful to manufacture for sale, sell, offer or keep
3 for sale, possess and/or transport vinuous, malt (containing
4 in excess of three and five-tenths (3.5%) per centum of alcohol
5 by weight and four and thirty-eight hundredths (4.38%) per
6 centum of alcohol by volume, brewed, fermented, spiritous,
7 or alcoholic liquor for any purpose whatsoever, except upon
8 the terms, conditions, limitations and restrictions as set
9 forth herein.

1 Sec. 4. For the interpretation of this Act, unless the
2 context indicates a different meaning:

3 1. "Commission" means the commission created by this
4 Act under the name of the "Iowa Liquor Control Commission."

5 2. "Alcohol" means the product of distillation of any
6 fermented liquor, rectified either once or oftener, whatever
7 may be the origin thereof, and includes synthetic ethyl alcohol

8 and alcohol which is considered non-potable under custom laws.

9 3. "Spirits" means any beverage which contain alcohol
10 obtained by distillation mixed with drinkable water and other
11 substances in solution, and includes, among other things, brandy,
12 rum, whisky, and gin.

13 4. "Wine" means any alcoholic beverage obtained by the
14 fermentation of the natural sugar contents of fruits, (grapes,
15 apples, etc.) or other agricultural products containing sugar,
16 (honey, milk, etc.).

17 5. "Beer" means any beverage obtained by alcoholic
18 fermentation of an infusion or decoction of barley, malt, and
19 hops in drinkable water containing more than three and five
20 tenths (3.5%) per centum of alcohol by weight or four and
21 thirty-eight hundredths (4.38%) per centum of alcohol by
22 volume.

23 6. "Alcoholic Liquor" includes the four varieties of
24 liquor above defined (alcohol, spirits, wine and beer), and
25 every liquid or solid, patented or not, containing alcohol,
26 spirits, wine, or beer, and capable of being consumed by a
27 human being. Any liquid or solid containing more than one of
28 the four varieties above defined is considered as belonging
29 to that variety which has the higher percentage of alcohol,
30 according to the order in which they are above defined.

31 7. "Person" includes any natural person, association,
32 partnership, corporation, and club.

33 8. "Whosoever" when used in reference to any offender under

34 this Act, includes every person who acts for himself or for any
35 other person, and includes also such other person.

36 9. "Residence" means the premises where a person resides,
37 permanently, or temporarily.

38 10. "License" means a contract between the commission and
39 a manufacturer, granting authority to said licensee as provided
40 for under the provisions of this Act.

41 11. "Manufacture" means, distill, rectify, ferment, brew,
42 make, mix, concoct, or process any substance or substances
43 capable of producing a beverage containing more than one-half
44 of one per cent of alcohol by volume and includes "blending",
45 "bottling", or the preparation for "sale".

46 12. "Barrel" when used as a container for "beer" means such
47 container having a capacity of thirty-one United States standard
48 gallons of two hundred thirty-one cubic inches.

49 13. "Package" means any container or containers, receptacle
50 or receptacles used for holding liquor.

51 14. "Distillery", "winery", and "brewery" means not only
52 the premises wherein "alcohol" or "spirits" is distilled, or
53 rectified "wine" is fermented, or "beer" is brewed, but in
54 addition a "person" owning, representing or in charge of such
55 premises and the operations conducted thereon, including the
56 blending and bottling or other handling and preparation of
57 "alcoholic liquor" in any form.

58 15. "Importer" means the "person" transporting or ordering,
59 authorizing or arranging the transportation or shipment of

60 “alcoholic liquor” into the State of Iowa whether such “person”
61 is a resident or citizen of Iowa or not.

62 16. “Interdicted Person” means a person to whom the sale
63 of liquor is prohibited by an order of the commission or the
64 court under this Act.

65 17. “Import” means the transporting or ordering or arranging
66 for the transportation or shipment of “alcoholic liquor” into
67 the State of Iowa whether by a resident of the State or otherwise.

68 18. “State Liquor Store” means a store established by the
69 Liquor Control Commission under this Act for the sale of
70 alcoholic liquor in the original package for consumption off
71 the premises.

72 19. “Specially Designated Distributor” means a person
73 authorized by the commission to dispense alcoholic liquor,
74 subject to the provisions of this Act, in such towns as in the
75 opinion of the commission there is not sufficient demand for a
76 state liquor store.

77 20. “Warehouse” means any premises or place primarily
78 constructed or used or provided with facilities for the storage
79 in transit or other temporary storage of perishable goods
80 and/or for the conduct of normal warehousing business.

81 21. “Public Place” includes any place, building or
82 conveyance to which the public has or is permitted to have
83 access and any place of public resort.

84 22. “Permit” means a permit for the purchase and/or
85 consumption of liquor by an individual under this Act.

86 23. Whenever reference shall be made to anything
87 forbidden under this Act, and relating to alcoholic liquor,
88 the words, "to sell" includes; To solicit, or receive an
89 order for; to keep or expose for sale; to deliver for value
90 or in any other way than purely gratuitously; to peddle; to
91 keep with the intent to sell; to keep or transport in
92 contravention of Section three of this Act; to traffic in for
93 a valuable consideration, promised or obtained directly or
94 indirectly, or under any pretext or by any means whatsoever,
95 to procure or allow to be procured for any other person; and
96 the word, "sale" includes every act of selling as above defined.

1 Sec. 5. The Iowa Liquor Control Commission shall be
2 composed of nine members, one of whom shall reside in each
3 Congressional District.

4 The commissioners shall be appointed by the Governor by
5 and with the consent of the Senate and shall hold office for six
6 years and/or until the appointment and qualification of their
7 respective successors. No more than five commissioners shall
8 belong to the same political party.

9 Any member of the commission shall be removable for any of
10 the causes and in the manner provided by Chapter Fifty-Six (56)
11 of the Code of Iowa, 1931, as amended, relating to the removal
12 from office.

13 Every member of the commission shall receive a per diem of
14 ten (\$10.00) dollars, traveling expenses and such other actual
15 and necessary expense essential to the business of the commission;

16 but the per diem in any one year shall not exceed one hundred
17 fifty (150) days.

18 The members of the first commission shall be appointed by
19 the Governor, subject to the approval of the executive council,
20 as follows :

21 Three for a term to expire July 1st, 1935, two belonging to
22 one of the two major political parties ; three for a term to
23 expire July 1st, 1937, one of which shall be from the same
24 political party as that of the two appointed for the July 1st,
25 1935 term ; three for a period to expire July 1st, 1939, two of
26 which shall be of the same political party as that of the two
27 appointed for the July 1st, 1935 term.

28 In the event of a vacancy or vacancies in the membership of
29 the commission caused by death, resignation, or removal of any
30 commissioner or commissioners, the Governor shall appoint a
31 successor or successors to fill the unexpired term, such
32 appointment to be confined by the Senate following the
33 appointment.

34 Each year the commission shall select one of its members
35 to act as Chairman for a term of one (1) year. In case of a
36 vacancy in the office of chairman, the commission shall select
37 from its membership a successor or successors to fill such a
38 vacancy.

39 Five members of the commission duly assembled shall constitute
40 a quorum for the transaction of business. The commission shall
41 meet at least once each month and at such other times as the

42 chairman shall designate. The chairman shall call a meeting of
43 the commission on the written request of any four members thereof,
44 such meeting to be held not less than five (5) days and not more
45 than ten (10) days from the date of the filing of such request
46 with the chairman of such commission and at least five (5)
47 days written notice of such special meeting shall be given.

1 Sec. 6. The commission shall employ a Liquor Control
2 Administrator to administer this Act, and the salary of said
3 Administrator shall be not more than Six Thousand Dollars per
4 year. The Administrator shall be held strictly accountable to
5 the commission for the enforcement of the rules and regulations
6 of the commission under this Act and supplemental thereto.

7 The principal place of business of the Iowa Liquor Control
8 Commission of Iowa shall be in the city of Des Moines, Iowa
9 and the Executive Council of the State of Iowa shall provide
10 suitable quarters or offices for the Iowa Liquor Control
11 Commission in the State Capitol at Des Moines, Iowa.

1 Sec. 7. The commission shall have the following functions,
2 duties and powers :

3 (a) To buy, import, and have in its possession for sale
4 and sell liquors in the manner set forth in this Act.

5 (b) To determine the cities or towns within which State
6 Liquor Stores and specially designated distributors shall be
7 established throughout the State and the location of the same.

8 (c) To grant and refuse, or cancel for cause, permits for
9 the purchase of liquor.

10 (d) To rent, lease, and/or equip any building or any land
11 necessary to carry out the purposes of this act.

12 (e) To lease all plants and lease or buy equipment it may
13 consider necessary and useful in carrying into effect the objects
14 and purposes of this Act.

15 (f) To appoint vendors, clerks, or other employees required
16 for the operation or carrying out of this Act and to dismiss the
17 same, but not without cause; to fix their salaries or remuneration;
18 assign them their title, duties and powers.

19 (g) To issue and grant permits and licenses; and to revoke
20 all such licenses and permits for cause, under this Act.

21 (h) To determine the nature, form and capacity of all
22 packages containing liquor kept or sold under this Act; provided
23 that all spiritous and vinous liquor shall be purchased and
24 sold only in the original package.

25 (i) To license, inspect and control the manufacture of al-
26 coholic liquors and regulate the entire liquor industry in the
27 State of Iowa.

28 (j) To employ a chemist, maintain a laboratory, to test,
29 label and certify to all alcoholic liquors sold in Iowa.

30 (k) To establish and maintain in its own name in depositories
31 approved by the State Treasurer or in bonds approved by the State
32 Securities Department, a special account or accounts in the nature
33 of a revolving fund not to exceed One Millon Dollars at any one
34 time.

1 Sec. 8. (1) The commission may make such rules and regulations

2 not inconsistent with this Act, which to the commission may seem
3 expedient or necessary for carrying out the provisions of this Act
4 and for the efficient administration thereof.

5 (2) Without attempting or intending to limit the
6 power of the commission as to the provisions contained in sub-
7 section (1) hereof, it is declared that the commission may and it
8 does have the power to make regulations in the manner set forth
9 in the foregoing subsection and that said powers shall extend
10 to and include the following :

11 (a) Prescribing the duties of the Administrator, secretary,
12 officers, clerks, servants, agents, or employees of the commission
13 and regulating their conduct while in the discharge of their
14 duties.

15 (b) Regulating the management, equipment and merchandise
16 of State Liquor Stores, and warehouses in and from which liquors
17 are manufactured, transported, kept or sold and prescribing the
18 books and records to be kept therein. This paragraph shall
19 apply to specially designated distributors in so far as in the
20 opinion of the commission it is deemed necessary for proper
21 regulation and control.

22 (c) Regulating the purchase of liquor generally and the
23 furnishing of liquor to State Liquor Stores and specially desig-
24 nated distributors established under this Act, determining the
25 classes, varieties, and brands of alcoholic liquors to be kept
26 in state warehouses or for sale at any State Liquor Store or
27 specially designated distributor.

28 (d) Prescribing forms or information blanks to be used for
29 the purpose of this Act or the regulations made thereunder and
30 the terms and conditions under which permits and licenses may
31 be issued or granted.

32 (e) Prescribing the nature and character of proof to be
33 furnished and conditions to be observed in the issuance of
34 duplicate permits where the originals have been either lost or
35 destroyed.

36 (f) Providing for the issuing and distributing of price
37 lists showing the price to be paid by purchasers for each brand,
38 class or variety or liquors kept for sale under this Act, and such
39 prices shall be uniform throughout the State.

40 (g) Prescribing what official seals or labels should be
41 attached to the packages of liquor sold under this Act including
42 the various kinds of official seals or labels for the different
43 classes or varieties or brands of liquors.

44 (h) Prescribing the kind, quantity, and character of liquors
45 which may be purchased or sold under any permits including the
46 quantity which may be purchased or sold at any one time or
47 within any specified period of time.

48 (i) Prescribing the duties or employees authorized to issue
49 permits or licenses under this Act.

50 (j) Prescribing subject to this Act, the days and hours
51 during which State Liquor Stores and specially designated distrib-
52 utors shall be kept open for the purpose of the sale or dispensing
53 of liquors.

54 (k) Prescribing, subject to this Act, the records of sales
55 to permit holders and by those holding licenses, for the report
56 of the same to the commission and for the confidential character
57 of the reports or records of individual permit holders.

58 (l) Prescribing the place and the manner in which liquor
59 may be lawfully kept or stored by the licensed manufacturer under
60 this act.

61 (m) Prescribing the time, manner, means, and method by
62 which distillers, brewers, vendors, or others having permission
63 under this Act may deliver or transport liquors and prescribing
64 the time, manner, means, and methods by which liquor under this
65 Act may be lawfully conveyed, carried, or transported.

66 (n) Prescribing subject to the provisions of this Act, the
67 conditions and qualifications necessary for the obtaining of
68 licenses and the books and records to be kept and the remittance
69 to be made by those holding licenses and determining the number
70 of persons, firms, or corporations who shall be entitled to
71 licenses and providing for the inspection of the records of all
72 such licenses.

73 (o) Prescribing the conditions and qualifications necessary
74 for the obtaining of permits under this Act.

75 (p) Prescribing the purchase of liquor and furnishing
76 liquor to State Liquor Stores and specially designated distributors
77 under this Act.

78 (q) The Iowa Liquor Control Commission shall prepare, print
79 and furnish all forms required under this Act.

1 Sec. 9. The Commission shall establish and maintain in any
2 city or incorporated town or specially chartered city which the
3 commission may deem advisable a State Liquor Store or stores or
4 specially designated distributors, as provided for in Section
5 eleven (11) of this Act, for storage and sale of liquor in accor-
6 dance with the provisions of this Act and the regulations made
7 thereunder. The Commission may, from time to time, as determin-
8 ed by it, fix the prices of the different classes, varieties,
9 or brands of liquor to be sold and such prices, while effective,
10 shall be uniform at each and every State Liquor Store and specially
11 designated distributor. The commission shall determine the hours
12 during which the various Liquor Stores or specially designated
13 distributor shall be open for the transaction of business except
14 that no such store or distributor shall be open for the trans-
15 action of liquor sales on Sundays, Legal Holidays or Election Days.

1 Sec. 10. The commission may select specially designated
2 distributors in such towns as it may designate to sell alcohol-
3 ic liquor for consumption off the premises. Such distributors
4 shall be paid by the commission a sum to be fixed by the com-
5 mission; provided however, that in no case shall such payment
6 exceed the sum of twelve hundred dollars per annum. Where al-
7 coholic liquor is sold by specially designated distributors,
8 it shall be sold at a price to be fixed by the commission and
9 without profit to the distributor, and shall be sold in accord-
10 ance with the rules and regulations of the commission.

1 Sec. 11. In the conduct and management of State Liquor

2 Stores the commission is empowered to employ a person who shall
3 be known as a “vendor” who shall, subject to the directions of the
4 commission, observe all provisions of this Act and the rules and
5 regulations of the commission.

1 Sec. 12. (1) A vendor may not sell to any person nor may any
2 person purchase alcoholic liquors from such vendor unless the
3 person be the holder of a permit entitling such person to purchase
4 liquors under such permit in conformity with the provisions of
5 this Act and the regulations established by the commission.

6 (2) Before the vendor shall sell or deliver to any person
7 any alcoholic liquors he shall,

8 (a) Have first demanded and received the permit or order
9 in writing dated and signed by the purchaser setting forth the
10 number of his permit, the kind and quantity of the liquor order-
11 ed or furnish such information in writing as may be determined
12 by the regulations established by the commission.

13 (b) Have received from the purchaser his permit and have
14 endorsed thereon the kind and quantity of liquor sold, the date
15 of sale and such other information as may be required by the
16 commission.

17 (c) Have demanded and received the purchase price of such
18 liquor in cash.

1 Sec. 13. No vendor, officer, clerk, servant, agent, or em-
2 ployee of the commission employed in any State Liquor Store,
3 State owned warehouse, or specially designated distributor, shall
4 allow any alcoholic liquor to be consumed on the premises of

5 such State warehouse, store, or specially designated distributor
6 nor shall any person consume any liquor on such premises.

1 Sec. 14. No alcoholic liquor shall be sold to any purchaser
2 except in sealed container with the official seal or label pre-
3 scribed by this Act and no such container shall be opened upon
4 the premises of any State warehouse, store or specially designated
5 distributor. Such seal or label shall bear the seal of Iowa and
6 a fac-simile of the signature of the chairman of the Liquor
7 Control Commission and shall certify the quality, age, and contents
8 of the bottle or package on which it is affixed and must be attached
9 and sealed to all liquors sold in the State of Iowa. Possession
10 of alcoholic liquors bought or sold in the State of Iowa which
11 do not carry such label or seal shall be considered a violation
12 of this Act.

1 Sec. 15. The commissioners and the administrator shall post
2 a bond or bonds, at the expense of the State of Iowa, with such
3 sureties as the Executive Council of the State of Iowa shall
4 approve to guarantee to the State the proper handling and account-
5 ing of such monies and merchandise and other properties as may
6 be required in the administration of this Act. It shall be the
7 duty of the commission to secure from all agents, servants, and
8 employees of the commission handling monies a bond or bonds with
9 such sureties as the commission will approve adequate to guarantee
10 to the State the proper handling and accounting of such monies.

1 Sec. 16. The commission, or any member of the commission,
2 shall not be personally liable for any action at law for damages

3 sustained by any person because of any action performed or done
4 by the commission, or any member of the commission, in the per-
5 formance of their respective duties in the administration and in
6 the carrying out of the purposes and provisions of this Act.

1 Sec. 17. It shall be unlawful to transact the sale or
2 delivery of any liquor in, on, or from the premises of any state
3 Liquor Store or warehouse:

4 (a) After the closing hour as established by the commission.

5 (b) On any Legal Holiday.

6 (c) On any Sunday.

7 (d) On any National or State Election Day.

8 (e) On any municipal election day held in the municipality
9 in which such store, warehouse or specially designated distributor
10 may be situated.

11 (f) During such other periods or days as may be designated
12 by the commission.

1 Sec. 18. It shall be lawful to transport, carry or convey
2 liquors as defined by this Act from one to another State Warehouse,
3 store, specially designated distributor or depot established by the
4 commission for the purposes of this Act and when so permitted by
5 this Act the regulations made thereunder and in accordance there-
6 with, it shall be lawful for any common carrier, or other person
7 to transport, carry, or convey liquor sold by a vendor from a State
8 warehouse, store or depot to any place to which the same may be
9 lawfully delivered under this Act and the regulations established
10 by the commission; Provided however, that no common carrier or

11 other person shall break, open, allow to be broken or opened
12 any container or package containing alcoholic liquor or to use
13 or drink or allow to be used or drunk any liquor therefrom while
14 in the process of being transported or conveyed; Provided, however,
15 that nothing in this Act shall effect the right of any permit
16 holder to purchase, possess, or transport alcoholic liquors as
17 defined by this Act and subject to the provisions of this Act
18 and the regulations made thereunder.

1 **Sec. 19.** (1) There shall be two classes of permits under
2 this Act.

3 (a) Individual Permits.

4 (b) Special Permits.

5 (2) Upon application being made, in the form and manner
6 prescribed by the commission, to the commission, or to any agent
7 authorized by the commission to issue permits accompanied by
8 payment of the prescribed fee, and upon the commission or such
9 authorized agent being satisfied that the applicant has complied
10 with the rules and regulations established by the commission for
11 the issuance of such a permit for the purchase of alcoholic
12 liquors under this Act, the commission or such authorized agent
13 shall issue to the applicant a permit of the class applied for
14 as follows:

15 (a) An "individual permit" in the form prescribed by the
16 commission may be granted to an individual of the full age of
17 twenty-one years who is a resident of the State of Iowa and who
18 is not disqualified under the provisions of this Act entitling

19 the applicant to purchase liquor or beverages for medicinal or
20 personal purposes in accordance with the terms and provisions
21 of such permit and the provisions of this Act of the liquors
22 prescribed thereunder, and a non-resident of the State of Iowa
23 may obtain from the vendor of any State Liquor Store a temporary
24 permit to buy alcoholic liquor by paying a fee of One Dollar and
25 by complying with such terms and conditions as may be prescribed
26 by the commission.

27 (b) A "special permit" in the prescribed form may be granted
28 by the commission to a physician, druggist, dentist, veteri-
29 arian, soldiers' homes, sanitariums, hospitals, homes for the
30 aged, or to a person or persons engaged in the state
31 in mechanical or manufacturing business or to a person or persons
32 engaged in scientific pursuits requiring liquor for use therein
33 entitling such applicant to purchase liquor for the purpose named
34 in such "special permit" and in accordance with the provisions
35 of this Act and the regulations prescribed by the commission.

36 (c) A "Special permit" in the prescribed form shall be
37 granted by the commission to a minister, clergyman, rabbi or priest
38 entitling the applicant to purchase sacramental wines or liquors
39 for sacramental purposes in accordance with the terms and pro-
40 visions of such "special permit" and in accordance with the pro-
41 visions of this Act and with the regulations made thereunder.

1 Sec. 20. For an "individual permit" under clause (a) of sub-
2 section (1) of Sec. 19 the fee shall be Three Dollars per year.

3 For a "special Permit" under clause (c) of sub-section (1) of

4 Sec. 19 the annual fee shall be One Dollar.

1 Sec. 21. A permit shall be a purely personal privilege, good
2 for one year after issuance, or for the period of time fixed
3 by the commission in the permit and revocable for cause. It
4 shall not constitute property nor shall it be subject to attachment
5 and execution nor shall it be alienable nor assignable and in
6 any case it shall cease upon the death of the permittee. Every
7 permit shall be issued in the name of the applicant and no per-
8 son holding a permit shall allow any other person to use the
9 permit.

1 Sec. 22. No permit shall be issued or delivered to an applicant
2 for the same unless said applicant has in the presence of some
3 person duly authorized by the commission written his signature
4 thereon or filed his signature with such duly authorized person
5 in the manner prescribed by the regulations as fixed by the com-
6 mission for the purpose of the future identification of said per-
7 mit holder and until the signature has been witnessed and attested
8 to by such duly authorized official authorized to issue permits.

1 Sec. 23. Any permit holder whose permit has been lost, destroyed,
2 or stolen may make application to the commission or such other
3 duly authorized agent entitled to issue permits and upon satis-
4 factory proof of loss, destruction, or theft of said permit,
5 subject to the conditions contained in the regulations, may ob-
6 tain a duplicate permit in lieu of the permit so lost, destroyed,
7 or stolen for which duplicate permit a fee of Fifty Cents shall
8 be paid.

1 Sec. 24. Whenever the holder of any permit issued under the
2 provisions of this Act violates any of the provisions of this
3 Act or any regulations made thereunder or is an interdicted per-
4 son or is otherwise disqualified from holding such permit, the
5 commission, upon satisfactory proof of such fact, the existence
6 of such violation, the interdiction or disqualification of such
7 permit holder, may, in its discretion, with or without hearing,
8 suspend the permit and any and all rights or said permit holders
9 for such period of time as the commission may see fit or may
10 fully cancel said permit.

1 Sec. 25. Whenever a permit has been suspended or cancelled
2 as herein provided the holder of such permit shall forthwith
3 deliver the same to the commission. Upon failure of the permit
4 holder to deliver said permit to the commission upon request,
5 the commission shall forthwith cancel the same. In the case of
6 a suspension of the permit, the commission shall return the permit
7 to the holder at the expiration of such period of suspension.

8 Where the permit has been cancelled, the commission shall notify
9 the vendors, or such other persons as may be provided, in the
10 regulations made under this act, of the cancellation of said
11 permit and no permit shall thereafter be issued to such person
12 whose permit has been cancelled within a period of one (1) year
13 from the date of cancellation of said permit.

14 Whenever a permit shall be produced at a State owned ware-
15 house, store, or distributor as defined by this Act by a person
16 who is not the lawful holder thereof, or where any permit which has

17 been suspended or cancelled is produced at such warehouse or store,
18 the vendor or official in charge of such warehouse or store shall
19 retain such permit in his custody and forthwith notify the
20 commission of such fact and the commission shall, unless such
21 permit has been cancelled, forthwith cancel the same; Provided,
22 however, that the proper holder of any permit lost, destroyed,
23 or stolen may, upon satisfactory proof to the commission that he
24 was not a party to such improper use, obtain a return of such
25 permit and re-establish his rights thereunder.

1 Sec. 26. Without attempting or intending to limit the
2 powers and duties of the commission in the matter of the revocation
3 of permits for cause or for any good and sufficient reason, the
4 commission, municipal and district court are hereby empowered
5 to revoke the permit of any holder as defined in this Act upon
6 satisfactory proof of any of the following grounds or causes:

- 7 (a) Drunkenness.
- 8 (b) Simulation of Drunkenness.
- 9 (c) Non-support of family or dependents.
- 10 (d) Desertion of family or dependents.
- 11 (e) The commission of any misdemeanor or felony in which
12 the use of alcoholic liquor was a contributing factor.

1 Sec. 27. All permits, individual and special, shall expire
2 one year after date of issuance.

1 Sec. 28. (1) Upon application in the prescribed form and
2 accompanied by a fee of Two Hundred Fifty (\$250) Dollars, the
3 commission may in accordance with this Act, and in accordance

4 with the regulations, made thereunder, grant a license to
5 manufacturer which shall allow the manufacture, storage and
6 wholesale disposition and sale of alcoholic liquors and
7 wines to the commission and to other customers outside of
8 the state.

1 Sec. 29. As a condition precedent to the approval and
2 granting of any license to the manufacturer applying therefor,
3 there shall be filed with the commission a statement under
4 oath that the applicant is a bonafide manufacturer of alcoholic
5 liquors, and that the said applicant will faithfully observe
6 and comply with all rules and regulations of the commission then
7 existing, or thereafter made, and that he will in all respects
8 comply with the provisions of this Act; together with a bond
9 of Five Thousand (\$5000) Dollars with a surety to be approved
10 by the commission; said bond to be in favor of the State of
11 Iowa for the benefit of the State in case of any violation of
12 this act.

1 Sec. 30. No manufacturer shall give away any alcoholic
2 liquor of any kind or description at any time in connection
3 with his business except for testing or sampling purposes only.

1 Sec. 31. No member or employee of the commission, directly
2 or indirectly, individually, or as a member of a partnership
3 or as a shareholder in a corporation shall have any interest
4 whatsoever in dealing in or in the manufacture of alcoholic
5 liquor nor receive any kind of profit whatsoever nor have any
6 interest whatsoever in the purchases or sale by the persons

7 authorized to purchase and sell alcoholic liquor except that no
8 provisions should prevent any such commissioner or employee from
9 purchasing and keeping in his possession for the personal use of
10 himself, or his family, or his guests any liquors which may be
11 purchased.

1 Sec. 32. No vendor of any State Liquor Store or specially
2 designated distributor shall sell any alcoholic liquor to any
3 individual permit holder except for cash.

1 Sec. 33. It is hereby made unlawful for any person to use
2 or consume any alcoholic liquors upon the public streets or
3 highways, or at any place other than a place of abode or a guest
4 room of a hotel, and no person shall be intoxicated nor simulate
5 intoxication in a public place; and any person violating any
6 provisions of this section shall be fined not to exceed one
7 hundred dollars (\$100.00) or sentenced not to exceed thirty
8 days in the county jail.

1 Sec. 34. Except in the case of liquor given or dispensed to
2 a person under the age of twenty-one years by parent or guardian
3 for beverage or medicinal purposes or as administered to him by
4 either the physician or dentist for medicinal purposes no person
5 shall sell, give, or otherwise supply liquor to any such person
6 under the age of twenty-one years, or knowingly permit any
7 person under that age to consume alcoholic liquors.

1 Sec. 35. Except in the case of liquor supplied to an
2 interdicted person upon the prescription of a physician or
3 administered by either a physician or dentist for medicinal

4 purposes, no person shall procure for or sell or give to any
5 interdicted person any alcoholic liquors, nor directly or
6 indirectly, assist in procuring or supplying any alcoholic
7 liquors to an interdicted person.

1 Sec. 36. No person whose permit or license has been
2 cancelled shall within one year after date of such cancellation
3 make application for or receive another permit or license.

1 Sec. 37. (1) No person whose permit has been either
2 suspended or cancelled shall purchase or attempt to purchase
3 any alcoholic liquors during the period of such suspension
4 or cancellation.

5 (2) No person shall apply for the purchase of any alcoholic
6 liquors except in his own name.

7 (3) No special licensee shall permit either an intoxicated
8 person or one simulating intoxication, to be or remain in view
9 of the public upon the premises of which he is either the
10 owner, tenant, or occupant.

11 (4) No person shall sell, dispense, or give to any
12 intoxicated person, or one simulating intoxication, any
13 alcoholic liquors.

1 Sec. 38. No person except as authorized by this Act and
2 not holding a permit under this Act shall have any alcoholic
3 liquors in his possession within the State of Iowa.

1 Sec. 39. Except as permitted by Federal Staute and
2 regulations, there shall be no public advertisement or
3 advertising of alcoholic liquors in any manner or form within

4 the State of Iowa.

5 (1) No person shall publish, exhibit, or display or permit
6 to be displayed any other advertisement or form of advertisement,
7 or announcement, publication, or price list of, or concerning
8 any alcoholic liquors, or where, or from whom the same may be
9 purchased or obtained, unless permitted so to do by the
10 regulations enacted by the commission and then only in strict
11 accordance with such regulations.

12 (2) This section of the Act shall not apply, however,

13 (a) to the Iowa Liquor Control Commission, or any State
14 owned warehouse, State Liquor Store, or specially designated
15 distributor:

16 (b) to the correspondence, or telegrams, or general
17 communications of the commission, or its agents, servants,
18 and employees;

19 (c) to the receipt or transmission of a telegram or
20 telegraphic copy in the ordinary course of the business of
21 such agents, servants, or employees of any telegraph company.

1 Sec. 40. No person not expressly authorized by this Act
2 to deal in alcoholic liquors shall within the State of Iowa
3 keep for sale, or offer for sale anything which is either
4 labelled or branded with the name of any kind of alcoholic
5 liquor whether the same contains any alcoholic liquor or not.

1 Sec. 41. No person in the State of Iowa shall have or keep
2 any alcoholic liquor or beer in excess of three and five-tenths
3 (3.5%) per centum of alcohol by weight, or four and thirty-eight

4 hundredths (4.38%) per centum of alcohol by volume which has not
5 been purchased from a state vendor, a state owned warehouse,
6 the Iowa Liquor Control Commission, or specially designated
7 distributor, except as provided for in this Act.

1 Sec. 42. Whenever it shall be established to the satisfaction
2 of either the commission or the judge of any superior, municipal
3 or district court that the holder of any permit defined under
4 this Act shall have been guilty of any of the grounds or causes
5 for the revocation of a permit, or special license, as set forth
6 in Section twenty-six of this Act, or who shall by the
7 excessive use of alcoholic liquors injure his health, impair, or
8 endanger the welfare of his family, misspend, squander, or waste
9 his estate, an order of interdiction may be made by either the
10 commission or the judge of any superior, municipal or district
11 court directing the suspension or cancellation of any permit and
12 prohibiting the sale of alcoholic liquors to such persons until
13 the further order of either the commission or the court making
14 such an order. In the event such order is made by the court, a
15 certified copy of the same shall be forthwith filed with the
16 commission. The commission or the court may as a part of its
17 order of interdiction in any such case provide and declare
18 forfeited any alcoholic liquor in the possession of such permit
19 holder or may take possession of and retain for such permit
20 holder any alcoholic liquors until such order of interdiction may
21 be satisfied, set aside, or modified by either the commission or
22 the court entering such order.

23 Whenever by satisfactory proof it shall appear to either the
24 commission or to the court making such an order of interdiction
25 that the interdicted person has purged himself of the conduct,
26 grounds, reasons, or causes for the suspension, cancellation, or
27 order of interdiction, the commission or the court making such an
28 order of interdiction may set aside or modify said order, and if
29 deemed advisable, in any such case reinstate said interdicted
30 person to his or her rights and privileges under the Act. Whenever
31 such order of interdiction has been made by or filed with the
32 commission, the commission shall forthwith notify the vendors of
33 such order of interdiction.

1 Sec. 43. For the purpose of enabling the Commission to carry
2 out the provisions of this Act, there is hereby appropriated from
3 the funds of the state treasury not otherwise appropriated the
4 sum of One Million Dollars which may be used by the Commission for
5 the purchase of alcoholic liquors and payment of such other
6 expenses as may be necessary to establish and operate State
7 Liquor Stores and specially designated distributors in accordance
8 with the provisions of this Act and to perform such other duties
9 as are imposed upon it by this Act. The appropriation hereby
10 made shall constitute a "Revolving Fund", to be replenished by
11 the receipts of the funds derived from the issuance to individuals
12 of permits and from the funds derived from the payment by
13 licensees of the license fees by this Act provided.

1 Sec. 44. It shall be the duty of the Commission or its
2 authorized agents to issue individual permits, to remit to the

3 Treasurer of State all fees received by them from the issuance
4 of individual permits and the Treasurer of State shall upon
5 receipt of such funds credit the same to the "Revolving Fund"
6 herein provided. The commission or authorized agents designated
7 to sell individual permits, shall report the fees received and
8 remit the same once each month, said report and remittances to
9 be made on or before the tenth day of the month succeeding
10 that for which the report is made.

1 Sec. 45. The appropriation hereby made shall be paid by the
2 Treasurer of State upon the orders of the Commission, in such
3 amounts and at such times as in the discretion of the Commission,
4 may be necessary to carry on operations in accordance with the
5 terms of this Act.

1 Sec. 46. It shall be the duty of the Commission to make a
2 report to the Governor of the State, ending with June 30th of
3 each even-numbered year, showing fully the results of the
4 operations of the Commission covering the period since the
5 last previous report, and which report shall show :

- 6 1. Amount of profit or loss, if any, on account of State
7 Liquor Stores and specially designated distributors.
- 8 2. Number of such Liquor Stores opened, the number closed,
9 and the number thereof operating on last day included in report.
- 10 3. Number of such special distributors appointed and
11 number of such appointments in force on last day shown in report.
- 12 4. Amount of fees received from such stores and amount of
13 fees received from such distributors, separately and in gross.

14 5. The amount of said revolving fund then in the hands of
15 the Commission and also in the hands of the State Treasurer.

16 6. All other funds on hand and the source from which derived.

17 7. If all funds shown exceed one million dollars, that such
18 excess has been paid to the State Treasurer and such Treasurer's
19 receipt showing the same credited to the General Fund of the
20 State.

21 8. The total quantity and particular kind of alcoholic
22 liquor sold.

23 9. The increase or decrease of such liquor sales.

24 10. Number of arrests and/or convictions for violations of
25 this Act and/or any other law of this State pertaining to
26 alcoholic liquors.

27 In order that the said Commission may be provided with the
28 necessary information to make out the report required by this Act,
29 it shall be the duty of every Justice of the Peace, Police Court,
30 Mayor's Court, and every Clerk of a Court of Record in this State
31 to forward to said Commission during the month of July of each
32 even numbered year a full and complete report of each case
33 commenced in the Court of such Justice, Police Court, Mayor's
34 Court, or any Court of Record, in which a violation of this Act
35 or any other law of this State pertaining to alcoholic liquors
36 was charged, and the disposition of the same.

1 Sec. 47. There is hereby granted unto said commission the
2 sole and exclusive right of importation, into the state, of all
3 forms of alcoholic liquor and no person, partnership, club,

4 corporation, or association shall so import any such alcoholic
5 liquor; and no brewery or distillery shall sell any such alcoholic
6 liquor within the State to any person, partnership, club,
7 corporation, or association but only to the commission, the
8 intent hereof being to vest in said commission exclusive control
9 within the State of Iowa both as purchaser and vendor of all
10 alcoholic liquor sold by such breweries or distilleries within
11 the State of Iowa or imported therein, except beer as referred
12 to in Chapter thirty-seven, Acts of the Forty-fifth General
13 Assembly of the State of Iowa and amendments thereto.

1 Sec. 48. Should any section, clause, sentence, or provision
2 of this Act, be held to be invalid for any reason, such holding
3 or decree shall not be construed as effecting the validity of any
4 of the remaining portions of this Act, it being the intent of the
5 Legislature that this Act shall stand and the Legislature would
6 have adopted the remainder of this Act, notwithstanding the
7 invalidity of any such section, clause, sentence, or provision.

1 Sec. 49. This Act shall not impair or affect any act done,
2 offense committed or right accruing, secured or acquired, or
3 penalty, forfeiture or punishment incurred prior to the time
4 this Act takes effect, but the same may be enjoyed, asserted,
5 enforced, prosecuted or inflicted, as fully and to the same
6 extent as if this Act had not been passed.

1 Sec. 50. Notwithstanding anything in this Act contained, any
2 person may manufacture native wines from grapes, cherries, or
3 other fruit, grown in the State of Iowa; but any such wines

4 manufactured cannot be sold, but are for consumption in the
5 private residence of the manufacturer.

1 Sec. 51. The Auditor of State shall cause the financial
2 condition and transactions of all offices, departments, stores,
3 warehouses, depots and liquor transactions of specially
4 designated distributors of the Iowa Liquor Control Commission
5 to be examined at least once each year by the State Examiners of
6 accounts and at shorter periods if requested by the Commission,
7 Governor, or Executive Council.

1 Sec. 52. All provisions of Chapter seven (7) of the Acts
2 of the Forty-fifth (45) General Assembly of the State of Iowa
3 relating to auditing of financial records of governmental
4 sub-divisions which are not inconsistent herewith are hereby
5 made applicable to the Iowa Liquor Control Board, the liquor
6 transactions of its specially designated distributors and any
7 of its offices, stores, warehouses and depots.

1 Sec. 53. Any person who shall, by himself, or his employee,
2 servant, or agent, for himself or any person, company or corporation,
3 keep or carry around on his person, or in a vehicle, or leave in a
4 place for another to secure, any alcoholic liquor as herein
5 defined, with intent to sell or dispense of the same by gift or
6 otherwise, or who shall, within this state, in any manner,
7 directly or indirectly, solicit, take or accept any order for the
8 purchase, sale, shipment or delivery of such alcoholic liquors in
9 violation of this Act, or aid in the delivery and distribution of
10 any alcoholic liquors so ordered or shipped, or who shall in any

11 manner procure for, or sell or give any alcoholic liquors to any
12 minor or interdicted person, for any purpose except as authorized
13 and permitted in this Act, shall be termed a bootlegger and upon
14 conviction shall be sentenced to hard labor in the penitentiary
15 for and indeterminate period not exceeding five years.

1 Sec. 54. The building, erection, or place, or the ground
2 itself, in or upon which the unlawful manufacture or sale, or
3 keeping with intent to sell, use or give away, any alcoholic
4 liquors is carried on or continued or exists, and any vehicle
5 or other means of conveyance used in transporting such liquor
6 in violation of this Act, and the furniture, fixtures, vessels
7 and contents, kept or used in connection therewith, are declared
8 a nuisance and shall be abated as in this Act provided.

1 Sec. 55. Whoever shall erect, establish, continue or use any
2 building, erection or place for any of the purposes prohibited in
3 the immediately preceding section, is guilty of a nuisance and
4 upon conviction shall be punished by a fine of not less than three
5 hundred dollars (\$300), nor more than one thousand dollars (\$1000),
6 or imprisonment in the county jail not exceeding one (1) year, or
7 by both such fine and imprisonment and shall stand committed until
8 such fine imposed is paid.

1 Sec. 56. Actions to enjoin nuisances shall be brought in equity
2 in the name of the State by the County Attorney who shall prosecute
3 the same to judgment.

1 Sec. 57. In such action, the Court or a judge in vacation,
2 shall, upon the presentation of a Petition therefor, allow a

3 temporary writ of injunction without bond, if it shall be made
4 to appear to the satisfaction of the Court or judge by evidence in
5 the form of affidavits, depositions, oral testimony or otherwise,
6 that the nuisance complained of exists.

1 Sec. 58. Three (3) days' notice in writing shall be given
2 the defendant of the hearing of the application, and if then
3 continued at his instance the writ as prayed shall be granted
4 as a matter of course.

1 Sec. 59. When an injunction has been granted, it shall be
2 binding upon the defendant throughout the state and any violation
3 of the provisions of this Act anywhere within the state shall be
4 punished as a contempt, as herein provided.

1 Sec. 60. The action, when brought, shall be triable at the
2 first term of court after due and timely service of notice of
3 the commencement thereof has been given.

1 Sec. 61. In all actions to enjoin a nuisance or to establish
2 a violation of the injunction, evidence of the general reputation
3 of the place described in the Petition or Information shall be
4 admissible for the purpose of proving the existence of the
5 nuisance or the violation of the injunction.

1 Sec. 62. In the case of a violation of any injunction
2 granted under the provisions of this Act, the Court, or in
3 vacation a judge thereof, may summarily try and punish the
4 defendant. The proceedings shall be commenced by filing with
5 the Clerk of the Court an Information under oath setting out the
6 alleged facts constituting such violation, upon which the Court

7 or judge shall cause a warrant to issue under which the defendant
8 shall be arrested.

1 Sec. 63. The trial shall be as in equity and may be had
2 upon depositions, or either party may demand the production and
3 oral examination of the witnesses.

1 Sec. 64. A party found guilty of contempt under the provisions
2 of the preceding section of this Act shall be punished by a fine
3 of not less than three hundred dollars (\$300), nor more than one
4 thousand dollars (\$1000), or by imprisonment in the county jail
5 not less than six (6) months, nor more than twelve (12) months,
6 or by both such fine and imprisonment.

1 Sec. 65. A bootlegger as defined in this Act may be restrained
2 by injunction from doing or continuing to do any of the acts
3 prohibited herein, and all the proceedings for injunctions,
4 temporary and permanent, and for punishments for violation of
5 the same as prescribed herein, shall be applicable to such person,
6 company, or corporation, and the fact that an offender has no
7 known or permanent place of business, or base of supplies, or
8 quits the business after the commencement of an action, shall
9 not prevent a temporary or permanent injunction, as the case
10 may be, from issuing.

1 Sec. 66. In no case shall a bootlegger injunction proceeding,
2 as provided in this Act, be maintained unless it be shown to
3 the Court that efforts in good faith have been made to discover
4 the base of supplied or place where the defendant charged as a
5 bootlegger conducts his unlawful business or receives or manufactures

6 the alcoholic liquors, of which he is charged with bootlegging.

1 Sec. 67. If the existence of the nuisance be established
2 in a civil or criminal action, an order of abatement shall be
3 entered as a part of the judgment in the case, which order
4 shall direct the confiscation of the alcoholic liquors by the
5 State of Iowa, the removal from the building or place of all
6 fixtures, furniture, vessels or movable property used in any
7 way in conducting the unlawful business and sale thereof, in
8 the manner provided for the sale of chattels under execution.
9 and the effectual closing of the building, erection or place
10 against its use for any purpose prohibited in this Act, and so
11 keeping it for a period of one year unless sooner released.

1 Sec. 68. If any one shall break into or use a building or
2 place so directed to be closed, he shall be punished as for
3 contempt, as provided in this Act.

1 Sec. 69. For removing and selling the movable property, the
2 officer shall be entitled to charge and receive the same fees
3 as he would for levying upon and selling like property on
4 execution; and for closing the premises and keeping them closed
5 a reasonable sum shall be allowed by the Court.

1 Sec. 70. The proceeds of the sale of the personal property
2 in abatement proceedings shall be applied first in payment of the
3 costs of the action and abatement, and second to the satisfaction
4 of any fine and costs adjudged against the proprietor of the
5 premises and keeper of said nuisance, and the balance, if any,
6 shall be paid to the defendant.

1 Sec. 71. If the owner appears and pays all costs of the
2 proceeding and files a bond with sureties to be approved by the
3 Clerk in the full value of the property, to be ascertained by the
4 Court, or in vacation by the Clerk, auditor and treasurer of the
5 county, conditioned that he will immediately abate said nuisance
6 and prevent the same from being established or kept therein within
7 a period of one year thereafter, the Court, or in vacation a judge,
8 may, if satisfied of his good faith, order the premises closed
9 under the order of abatement to be delivered to said owner and
10 the said order of abatement cancelled, so far as same may relate
11 to said property.

1 Sec. 72. If the proceeding be an action in equity and said
2 bond be given and costs therein paid before judgment, and order
3 of abatement, the action shall thereby be abated as to said
4 building only.

1 Sec. 73. The release of the property under the provisions
2 of either of the two preceding sections shall not release it
3 from any judgment lien, penalty or liability, to which it may be
4 subject by law.

1 Sec. 74. Undertakings of bonds for abatement shall immediately
2 after filing by the Clerk of the District Court be docketed and
3 entered upon the lien index as required for judgments in civil
4 cases, and from the time of such entries shall be liens upon real
5 estate of the persons executing the same, with like effect as
6 judgments in civil actions.

1 Sec. 75. Attested copies of such undertakings may be filed

2 in the office of the Clerk of the District Court of the county
3 in which the real estate is situated in the same manner and with
4 like effect as attested copies of judgments, and shall be
5 immediately docketed and indexed in the same manner.

1 Sec. 76. If the owner of a property who has filed such
2 abatement bond as in this chapter provided fails to abate the
3 said liquor nuisance on the premises covered by the bond, or fails
4 to prevent the main tenance of any liquor nuisance on said
5 premises at any time within the period of one year, the Court
6 must, after a hearing in which the said fact is established
7 direct an entry of such violation of the terms of his said bond,
8 to be made on the record and the undertaking of his bond is
9 thereupon forfeited.

1 Sec. 77. A proceeding to forfeit an abatement bond shall be
2 commenced by filing with the Clerk of the Court, by the County
3 Attorney of the county where the bond is filed, an application
4 under oath to forfeit said bond, setting out the alleged facts
5 constituting the violation of the terms of said bond, upon which
6 the judge or court shall direct by order attached to said
7 application that a notice be issued by the Clerk of the District
8 Court directed to the principal and sureties on said bond to
9 appear at a certain date fixed to show cause, if any they have,
10 why the said bond should not be forfeited and judgment entered
11 for the penalty therein fixed.

1 Sec. 78. The trial shall be to the Court and as in equity,
2 and be governed by the same rules as to evidence as in contempt

3 proceedings.

1 Sec. 79. If the Court after hearing finds a liquor nuisance
2 has been maintained on the premises covered by the abatement
3 bond and that liquor has been sold or kept for sale on the
4 premises contrary to law within one year from the date of the
5 giving of said bond, then the Court shall order the forfeiture
6 of the bond and enter judgment for the full amount of said bond
7 against the principal and sureties thereof, and the lien on the
8 real estate heretofore created shall be decreed foreclosed and
9 the court shall provide for a special and general execution for
10 the enforcement of said decree and judgment.

1 Sec. 80. Appeal may be taken as in equity cases and the cause
2 be triable de novo except that if the State appeals it need not
3 file an appeal or supersedeas bond.

1 Sec. 81. It shall be the duty of the County Attorney to
2 prosecute in the name of the State of Iowa all forfeitures of
3 abatement bonds and the foreclosures of same.

1 Sec. 82. It shall be a misdemeanor for any peace officer
2 to delay service of original notices, writs of injunction, writs
3 of abatement or warrants for contempt in any equity case filed
4 for injunction or abatement by the State of Iowa.

1 Sec. 83. On the issue whether a party knew or ought to
2 have known of such nuisance, evidence of the general reputation
3 of the place shall be admissible.

1 Sec. 84. Information or indictments under this Act may
2 allege any number of violations of its provisions by the same

3 party, but the several charges must be set out in separate counts,
4 and the accused may be convicted and punished upon each one as on
5 separate informations or indictments, and a separate judgment
6 shall be rendered on each count under which there is a finding
7 of guilty.

1 Sec. 85. Unless otherwise stated, any person who violates
2 any of the provisions of this Act, or who makes a false statement
3 concerning any material fact in submitting an application for a
4 permit or license, shall be punished by a fine of not less than
5 three hundred dollars (\$300) nor more than one thousand dollars
6 (\$1000), or by imprisonment in the county jail for not less than
7 three (3) months nor more than one (1) year, or by both such
8 fine and imprisonment.

1 Sec. 86. This Act being deemed of immediate importance, it
2 shall be in effect upon its publication in the Fort Madison
3 Democrat, a daily newspaper published in the city of Fort Madison,
4 Iowa, and in the Ottumwa Daily Courier, a daily newspaper published
5 in the city of Ottumwa, Iowa.

Placed on Calendar.
December 29, 1933.

House File No. 292.
BY COMMITTEE ON LIQUOR CONTROL.

[Reprinted January 11, 1934, as amended and passed by House]

A BILL FOR

An Act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. This Act shall be cited as the Iowa Liquor Control
2 Act, and shall be deemed an exercise of the police power of the
3 State, for the protection of the welfare, health, peace, morals
4 and safety of the people of the State, and all its provisions
5 shall be liberally construed for the accomplishment of that
6 purpose, and it is declared to be the public policy that the
7 traffic in alcoholic liquors is so affected with a public
8 interest that it should be regulated to the extent of
9 prohibiting all traffic in them, except as hereinafter
10 provided for in this Act through the medium of an Iowa Liquor Control
11 Commission by this Act created, in which is vested the sole

12 and exclusive authority to purchase alcoholic liquors, as
13 defined herein, for the purpose of resale.

1 Sec. 2. Chapter forty-two (42) of the Acts of the
2 forty-fifth (45) General Assembly, Chapters ninety-four (94)
3 to one hundred four (104), inclusive, which includes Sections
4 nineteen hundred twenty-two (1922) to and including section
5 twenty-one hundred eighty (2180) of the nineteen hundred
6 thirty-one (1931) Code of Iowa, and any and all laws or parts
7 of laws inconsistent with this Act, be, and the same are,
8 hereby repealed and the following enacted in lieu thereof.

1 Sec. 3. It shall be unlawful to manufacture for sale, sell, offer
2 or keep for sale, possess and/or transport vinous, fermented,
3 spirituous, or alcoholic liquor; also any malt beverage (containing a
4 greater percentage of alcohol than is permitted or authorized under the
5 provisions of Chapter Thirty-seven (37) of the Laws of the Forty-fifth
6 General Assembly, or as the same may hereafter be amended) for any
7 purpose whatsoever, except upon the terms, conditions, limitations and
8 restrictions as set forth herein.

1 Sec. 4. For the interpretation of this Act, unless the
2 context indicates a different meaning:

3 1. "Commission" means the commission created by this
4 Act under the name of the "Iowa Liquor Control Commission".

5 2. "Alcohol" means the product of distillation of any
6 fermented liquor, rectified either once or oftener, whatever
7 may be the origin thereof, and includes synthetic ethyl alcohol
8 and alcohol which is considered non-potable under custom laws.

9 3. "Spirits" means any beverage which contains alcohol
10 obtained by distillation mixed with drinkable water and other
11 substances in solution, and includes, among other things, brandy,
12 rum, whisky, and gin.

13 4. "Wine" means any alcoholic beverage obtained by the
14 fermentation of the natural sugar contents of fruits, (grapes,
15 apples, etc.) or other agricultural products containing sugar,
16 (honey, milk, etc.).

17 5. "Beer" means any beverage obtained by alcoholic
18 fermentation of an infusion or decoction of barley, malt, and
19 hops in drinkable water containing a greater percentage
20 of alcohol than is permitted or authorized under the provisions of Chapter
21 Thirty-seven (37) of the Laws of the Forty-fifth General Assembly
22 of Iowa or as the same may hereafter be amended.

23 6. "Alcoholic Liquor" includes the four varieties of
24 liquor above defined (alcohol, spirits, wine and beer), and
25 every liquid or solid, patented or not, containing alcohol,
26 spirits, wine, or beer, and capable of being consumed by a
27 human being, for beverage purposes. Any liquid or solid containing more
28 than one of the four varieties above defined is considered as belonging
29 to that variety which has the higher percentage of alcohol,
30 according to the order in which they are above defined.

31 7. "Person" includes any natural person, association,
32 partnership, corporation, and club.

33 8. "Whosoever" when used in reference to any offender under
34 this Act, includes every person who acts for himself or for any

35 other person, and includes also such other person.

36 9. "Residence" means the premises where a person resides,
37 permanently, or temporarily.

38 10. "License" means a contract between the commission and
39 a manufacturer, granting authority to a licensee as provided
40 for under the provisions of this Act.

41 11. "Manufacture" means to distill, rectify, ferment, brew,
42 make, mix, concoct, or process any substance or substances
43 capable of producing a beverage containing more than one-half
44 of one per centum of alcohol by volume and includes "blending",
45 "bottling", or the preparation for "sale".

46 12. "Barrel" when used as a container for "beer" means such
47 container having a capacity of thirty-one United States standard
48 gallons.

49 13. "Package" means any container or containers, receptacle
50 or receptacles used for holding liquor.

51 14. "Distillery", "winery", and "brewery" means not only
52 the premises wherein "alcohol" or "spirits" is distilled, or
53 rectified "wine" is fermented, or "beer" is brewed, but in
54 addition a "person" owning, representing or in charge of such
55 premises and the operations conducted thereon, including the
56 blending and bottling or other handling and preparation of
57 "alcoholic liquor" in any form.

58 15. "Importer" means the "person" transporting or ordering,
59 authorizing or arranging the transportation or shipment of
60 "alcoholic liquor" into the State of Iowa whether such "person"

61 is a resident or citizen of Iowa or not.

62 16. "Interdicted Person" means a person to whom the sale
63 of liquor is prohibited by an order of the commission or the
64 court under this Act.

65 17. "Import" means the transporting or ordering or arranging
66 for the transportation or shipment of "alcoholic liquor" into
67 the State of Iowa whether by a resident of the State or otherwise.

68 18. "State Liquor Store" means a store established by the
69 Liquor Control Commission under this Act for the sale of
70 alcoholic liquor in the original package for consumption off
71 the premises.

72 19. "Special Distributor" means a person especially
73 designated by the Commission to dispense alcoholic liquors,
74 subject to the provisions of this Act, in such towns as in
75 the opinion of the Commission there is not sufficient de-
76 mand for a State Liquor Store.

77 20. "Warehouse" means any premises or place primarily
78 constructed or used or provided with facilities for the storage
79 in transit or other temporary storage of perishable goods
80 and/or for the conduct of normal warehousing business.

81 21. "Public Place" includes any place, building or
82 conveyance to which the public has or is permitted to have
83 access and any place of public resort.

84 21-a. "Guest Room of a Hotel" for the purpose of this Act
85 shall mean the sleeping room and/or living apartment, and shall not
86 include the lobby or dining room or other room or rooms no matter how

87 designated.

88 22. "Permit" means a permit for the purchase and/or
89 consumption of liquor by an individual under this Act.

90 23. Whenever reference shall be made to anything
91 forbidden under this Act, and relating to alcoholic liquor,
92 the words, "to sell" includes; to solicit, or receive an
93 order for; to keep or expose for sale; to deliver for value
94 or in any other way than purely gratuitously; to peddle; to
95 keep with the intent to sell; to keep or transport in
96 contravention of Section three of this Act; to traffic in for
97 a valuable consideration, promised or obtained directly or
98 indirectly, or under any pretext or by any means whatsoever,
99 to procure or allow to be procured for any other person; and
100 the word, "sale" includes every act of selling as above defined.

1 Sec. 5. (1) There is hereby created a commission compos-
2 ed of three electors of this state to be known and designated
3 as the Iowa Liquor Control Commission, not more than two of
4 whom shall belong to the same political party and no two of
5 whom shall, at the time of appointment, reside in the same
6 congressional district. The commission shall be held strictly
7 accountable for the enforcement of the provisions of this Act.

8 (2) No member, officer or employee of said commission
9 shall, while holding such office or position, hold any other
10 office or position under the laws of this state or of any other
11 state or of the United States, and shall not engage in any oc-
12 cupation or business inconsistent and/or interfering with the

13 duties of said commission; and no such member, officer or em-
14 ployee shall, while holding such office or position, serve on
15 or under or be a member of any committee of any political party,
16 and shall not, directly or indirectly, use his influence to in-
17 duce any other officer or officers, employee or employees, elec-
18 tor or electors of this state to adopt his political views
19 or to favor any particular candidate for office, nor shall any
20 such member, officer or employee contribute in any manner, direct-
21 ly or indirectly, any money or other things of value to or for
22 any person or persons, committee or committees, for campaign or
23 election purposes. Any such member, officer or employee who
24 violates any of the terms and/or provisions of this subsection
25 (2) shall be deemed guilty of corruption.

26 (3) Any member, secretary, officer or employee of said
27 commission shall be removable for any of the causes and in the
28 manner provided by chapter fifty-six (56) of the Code of 1931,
29 as amended, relating to removal from office; and if any such
30 member, secretary, officer or employee is so removed, he shall
31 be punished as provided by section eighty-four (84) of this Act.

32 (4) The commission shall, on July first of each year,
33 select one of its members as chairman, who shall serve in such
34 capacity for the succeeding year. Each member of the commission
35 shall devote his entire time to the duties of his office, and
36 his salary shall be three thousand six hundred dollars a year.
37 Said commission may employ a secretary and such other assistants
38 and/or employees as may reasonably be necessary, and at such

39 salary each as may be fixed by said commission, subject to ap-
40 proval of the executive council.

41 Members of the commission and said secretary, assistants
42 and/or employees each shall be allowed his actual and necessary
43 expenses while traveling on business of the commission outside
44 of the city of Des Moines; provided, however, that an itemized
45 account of such expenses shall be verified by the member, secre-
46 tary, assistant and/or employee making claim for payment and shall
47 be approved by a majority of the members of the commission and
48 by the executive council, as a condition precedent to payment.
49 If such account is paid, the same shall be filed in the office of
50 said commission and be and remain a part of its permanent records.
51 All of said salaries and expenses shall be payable out of the
52 Liquor Control Act Fund created by this Act.

53 (5) The members of the first commission shall be ap-
54 pointed by the governor, subject to approval of the executive
55 council, as follows: one for a term to expire July 1, 1935;
56 one for a term to expire July 1, 1937; and one for a term to
57 expire July 1, 1939. Said terms shall begin immediately upon
58 the appointment, approval and qualification.

59 Thereafter, the term of each member of said commission
60 shall be six years; and the governor shall, within sixty days
61 following the organization of each regular session of the gen-
62 eral assembly, appoint, with the approval of two-thirds of the
63 members of the senate in executive session, a successor to the
64 member of said commission whose term of office will expire July

65 first next following.

66 (6) Any vacancy or vacancies on said commission which
67 may occur when the general assembly is not in session shall be
68 filled by appointment by the governor, which appointment shall
69 expire at the end of thirty days following the organization of
70 the next general assembly. Prior to the expiration of said
71 period of thirty days, the governor shall transmit to the senate
72 for its approval an appointment for the unexpired portion of the
73 regular term. Any vacancy or vacancies occurring when the general
74 assembly is in session shall be filled in the same manner as reg-
75 ular appointments are made, and before the end of such session,
76 and for the unexpired portion of the regular term.

1 Sec. 6. The principal place of business of the Iowa Liquor Control
2 Commission shall be in the city of Des Moines, Iowa,
3 and the Executive Council of the State of Iowa shall provide
4 suitable quarters or offices for the Iowa Liquor Control
5 Commission in the State Capitol at Des Moines, Iowa.

1 Sec. 7. The commission shall have the following functions,
2 duties and powers:

3 (a) To buy, import, and have in its possession for sale
4 and sell liquors in the manner set forth in this Act.

5 Notwithstanding any of the provisions of this Act, the Commission
6 shall have no power to sell beer as defined in this Act or as defined by
7 Chapter thirty-seven (37), Acts of the Forty-fifth General Assembly
8 of Iowa or as the same may hereafter be amended.

9 (b) To establish, maintain and/or discontinue

10 State Liquor Stores and special distributors and to
11 determine the cities and towns in which State Liquor
12 Stores and special distributors shall be located.

13 However, no liquor store or special distributor shall be
14 established within three hundred (300) feet of any school
15 building used for school purposes.

16 (c) To grant and refuse for cause, permits for
17 the purchase of liquor.

18 (d) To rent, lease, and/or equip any building or any land
19 necessary to carry out the purposes of this act.

20 (e) To lease all plants and lease or buy equipment it may
21 consider necessary and useful in carrying into effect the objects
22 and purposes of this Act.

23 (f) To appoint vendors, clerks, or other employees required
24 for the operation or carrying out of this Act and to dismiss the
25 same, but not without cause; to fix their salaries or remuneration;
26 assign them their title, duties and powers.

27 (g) To issue and grant permits and licenses; and to revoke
28 all such licenses and permits for cause, under this Act.

29 (h) To determine the nature, form and capacity of all
30 packages containing liquor kept or sold under this Act; provided
31 that all spiritous and vinous liquor shall be purchased and
32 sold only in the original package.

33 (i) To license, inspect and control the manufacture of al-
34 coholic liquors and regulate the entire liquor industry in the
35 State of Iowa.

36 (j) To employ a chemist, maintain a laboratory, to test,
37 label and certify to all alcoholic liquors sold in Iowa.

38 (k) To establish and maintain in its own name in the
39 State Treasury a special account, hereinafter known as the
40 Liquor Control Act Fund, in an amount necessary for use of
41 the Commission, said amount to be determined by the State
42 Comptroller.

1 Sec. 8. (1) The commission may make such rules and regulations
2 not inconsistent with this Act, which to the commission may seem
3 expedient or necessary for carrying out the provisions of this Act
4 and for the efficient administration thereof.

5 (2) Without attempting or intending to limit the
6 power of the commission as to the provisions contained in sub-
7 section (1) hereof, it is declared that the commission may and it
8 does have the power to make regulations in the manner set forth
9 in the foregoing subsection and that said powers shall extend
10 to and include the following:

11 (a) Prescribing the duties of the secretary,
12 officers, clerks, servants, agents, or employees of the commission
13 and regulating their conduct while in the discharge of their
14 duties.

15 (b) Regulating the management, equipment and merchandise
16 of State Liquor Stores, and warehouses in and from which liquors
17 are transported, kept or sold and prescribing the
18 books and records to be kept therein. This paragraph shall
19 apply to special distributors in so far as in the

20 opinion of the commission it is deemed necessary for proper
21 regulation and control.

22 (c) Regulating the purchase of liquor generally and the
23 furnishing of liquor to State Liquor Stores and special
24 distributors established under this Act, determining the
25 classes, varieties, and brands of alcoholic liquors to be kept
26 in state warehouses or for sale at any State Liquor Store or by any
27 special distributor.

28 (d) Prescribing forms or information blanks to be used for
29 the purpose of this Act or the regulations made thereunder and
30 the terms and conditions under which permits and licenses may
31 be issued or granted.

32 (e) Prescribing the nature and character of proof to be
33 furnished and conditions to be observed in the issuance of
34 duplicate permits where the originals have been either lost or
35 destroyed.

36 (f) Providing for the issuing and distributing of price
37 lists showing the price to be paid by purchasers for each brand,
38 class or variety of liquors kept for sale under this Act, and such
39 prices shall be uniform throughout the State.

40 (g) Prescribing what official seals or labels should be
41 attached to the packages of liquor sold under this Act including
42 the various kinds of official seals or labels for the different
43 classes or varieties or brands of liquors.

44 (h) Prescribing the kind, quantity, and character of liquors
45 which may be purchased or sold under any permits including the

46 quantity which may be purchased or sold at any one time or
47 within any specified period of time.

48 (i) Prescribing the duties of employees authorized to issue
49 permits or licenses under this Act.

50 (j) Prescribing subject to this Act, the days and hours
51 during which State Liquor Stores and special distrib-
52 utors shall be kept open for the purpose of the sale or dispensing
53 of liquors.

54 (k) Prescribing, subject to this Act, the records of sales
55 to permit holders and by those holding licenses, for the report
56 of the same to the commission and for the confidential character
57 of the reports or records of individual permit holders.

58 (l) Prescribing the place and the manner in which liquor
59 may be lawfully kept or stored by the licensed manufacturer under
60 this act.

61 (m) Prescribing the time, manner, means, and method by
62 which distillers, brewers, vendors, or others having permission
63 under this Act may deliver or transport liquors and prescribing
64 the time, manner, means, and methods by which liquor under this
65 Act may be lawfully conveyed, carried, or transported.

66 (n) Prescribing subject to the provisions of this Act, the
67 conditions and qualifications necessary for the obtaining of
68 licenses and the books and records to be kept and the remittance
69 to be made by those holding licenses and determining the number
70 of persons, firms, or corporations who shall be entitled to
71 licenses and providing for the inspection of the records of all

72 such licenses.

73 (o) Prescribing the conditions and qualifications necessary
74 for the obtaining of permits under this Act.

75 (p) Prescribing the purchase of liquor and furnishing
76 liquor to State Liquor Stores and special distributors
77 under this Act.

78 (q) The Iowa Liquor Control Commission shall prepare, print
79 and furnish all forms required under this Act.

1 Sec. 9. The Commission shall establish and maintain in any
2 city or incorporated town or special charter city which the
3 commission may deem advisable a State Liquor Store or stores or
4 special distributors, as provided for in Section
5 ten (10) of this Act, for storage and sale of liquor in accor-
6 dance with the provisions of this Act and the regulations made
7 thereunder. The Commission may, from time to time, as determin-
8 ed by it, fix the prices of the different classes, varieties,
9 or brands of liquor to be sold and such prices, while effective,
10 shall be uniform at each and every State Liquor Store and
11 special distributor. The commission shall determine the hours
12 during which the various Liquor Stores or special
13 distributors shall be open for the transaction of business except
14 that no such store or distributor shall be open for the trans-
15 action of liquor sales on Sundays, Legal Holidays or Election Days.

1 Sec. 10. (1) In towns where the establishment
2 of a State Liquor Store, under the provisions of this Act,
3 does not seem advisable, the Commission may select a special

4 distributor to sell alcoholic liquors for consumption off
5 the premises ; provided, however, that in no case such special
6 distributor shall be the holder of a class "B" permit to sell
7 beer as provided in Chapter 37 of the Acts of the Forty-fifth
8 General Assembly, nor shall such special distributor be
9 granted such beer permit while being such distributor.

10 (2) Special distributors shall be paid a sum to be
11 fixed by the Commission, but in no event shall this sum be in
12 excess of nine hundred dollars (\$900.00) per annum. All
13 alcoholic liquors sold by such distributors shall be sold
14 in the original package at the price fixed by the Commission,
15 without profit to the distributor, and in accordance with
16 the rules and regulations of the Commission.

17 (3) At any time after one year, if in the judgment
18 of the Commission it shall appear advisable, the Commission
19 shall establish a State Liquor Store in such town to replace the
20 special distributor.

21 (4) If, after a State Liquor Store has been in
22 operation for one year or more in any town, such store should
23 show a loss to the State, the Commission may discontinue such
24 store and select a special distributor in accordance with
25 the provisions of this Act.

26 (5) No special distributor shall be selected in
27 any city or town where there is a State Liquor Store in operation.

1 Sec. 11. In the conduct and management of State Liquor
2 Stores the commission is empowered to employ a person who shall

3 be known as a “vendor” who shall, subject to the directions of the
4 commission, observe all provisions of this Act and the rules and
5 regulations of the commission.

1 Sec. 11-a. Character of employees. The Liquor
2 Control Commission shall as far as humanly possible refuse
3 to employ in any capacity any person, or persons, who are
4 generally known to have been identified with the illegal
5 sale of liquor during the period in which the eighteenth
6 amendment was in force.

1 Sec. 12. (1) A vendor or special distributor may not sell to any person
2 nor may any person purchase alcoholic liquors from such vendor unless the
3 person be the holder of a permit entitling such person to purchase
4 liquors under such permit in conformity with the provisions of
5 this Act and the regulations established by the commission.

6 (2) Before the vendor or special distributor shall sell or deliver
7 to any person any alcoholic liquors he shall,

8 (a) Have first demanded and received the permit or order
9 in writing dated and signed by the purchaser setting forth the
10 number of his permit, the kind and quantity of the liquor order-
11 ed or furnish such information in writing as may be determined
12 by the regulations established by the commission.

13 (b) Have received from the purchaser his permit and have
14 endorsed thereon the kind and quantity of liquor sold, the date
15 of sale and such other information as may be required by the
16 commission.

17 (c) Have demanded and received the purchase price of such

18 liquor in cash.

1 Sec. 13. No vendor, officer, clerk, servant, agent, or em-
2 ployee of the commission employed in any State Liquor Store,
3 State owned warehouse, or special distributor, shall
4 allow any alcoholic liquor to be consumed on the premises of
5 such State warehouse, store, or special distributor
6 nor shall any person consume any liquor on such premises.

1 Sec. 14. No alcoholic liquor shall be sold to any purchaser
2 except in sealed container with the official seal or label pre-
3 scribed by the commission and no such container shall be opened upon
4 the premises of any State warehouse, store or special
5 distributor. Such seal or label shall bear the seal of the commission and
6 a facsimile of the signature of the chairman of the Liquor
7 Control Commission and shall certify the quality, age, and contents
8 of the bottle or package on which it is affixed and must be attached
9 and sealed to all liquors sold in the State of Iowa. Possession
10 of alcoholic liquors bought or sold in the State of Iowa which
11 do not carry such label or seal shall be considered a violation
12 of this Act.

1 Sec. 15. The commissioners shall post
2 a bond or bonds, at the expense of the State of Iowa, with such
3 sureties as the Executive Council of the State of Iowa shall
4 approve to guarantee to the State the proper handling and account-
5 ing of such monies and merchandise and other properties as may
6 be required in the administration of this Act. It shall be the
7 duty of the commission to secure from all agents, servants, and

8 employees of the commission handling monies a bond or bonds with
9 such sureties as the commission will approve adequate to guarantee
10 to the State the proper handling and accounting of such monies.

1 Sec. 16. The commission, or any member of the commission,
2 shall not be personally liable for any action at law for damages
3 sustained by any person because of any action performed or done
4 by the commission, or any member of the commission, in the per-
5 formance of their respective duties in the administration and in
6 the carrying out of the purposes and provisions of this Act.

1 Sec. 17. It shall be unlawful to transact the sale or
2 delivery of any liquor in, on, or from the premises of any state
3 Liquor Store or warehouse:

4 (a) After the closing hour as established by the commission.

5 (b) On any Legal Holiday.

6 (c) On any Sunday.

7 (d) On any National or State Election Day.

8 (e) On any municipal election day held in the municipality
9 in which such store, warehouse or special distributor
10 may be situated.

11 (f) During such other periods or days as may be designated
12 by the commission.

1 Sec. 18. It shall be lawful to transport, carry or convey
2 liquors as defined by this Act from one to another State Warehouse,
3 store, special distributor or depot established by the
4 commission for the purposes of this Act and when so permitted by
5 this Act the regulations made thereunder and in accordance there-

6 with, it shall be lawful for any common carrier, or other person
7 to transport, carry, or convey liquor sold by a vendor from a State
8 warehouse, store or depot to any place to which the same may be
9 lawfully delivered under this Act and the regulations established
10 by the commission; provided however, that no common carrier or
11 other person shall break, open, allow to be broken or opened
12 any container or package containing alcoholic liquor or to use
13 or drink or allow to be used or drunk any liquor therefrom while
14 in the process of being transported or conveyed; provided, however,
15 that nothing in this Act shall effect the right of any permit
16 holder to purchase, possess, or transport alcoholic liquors as
17 defined by this Act and subject to the provisions of this Act
18 and the regulations made thereunder.

1 Sec. 19. (1) There shall be two classes of permits under
2 this Act.

3 (a) Individual Permits.

4 (b) Special Permits.

5 (2) Upon application being made, in the form and manner
6 prescribed by the commission, to the commission, or to any agent
7 authorized by the commission to issue permits accompanied by
8 payment of the prescribed fee, and upon the commission or such
9 authorized agent being satisfied that the applicant has complied
10 with the rules and regulations established by the commission for
11 the issuance of such a permit for the purchase of alcoholic
12 liquors under this Act, the commission or such authorized agent
13 shall issue to the applicant a permit of the class applied for

14 as follows:

15 (a) An “individual permit” in the form prescribed by the
16 commission may be granted to an individual of the full age of
17 twenty-one years who is not disqualified under the
18 provisions of this Act entitling the applicant to purchase
19 liquor or beverages for medicinal or personal purposes in
20 accordance with the terms and provisions of such permit and
21 the provisions of this Act by complying with such terms and condi-
22 tions as may be prescribed by the commission.

23 (b) A “special permit” in form as prescribed by
24 the Commission and subject to its issuance and/or use
25 to such rules and regulations as the Commission may adopt,
26 may be issued as provided in this section, notwithstanding
27 the other provisions of this Act, as follows:

28 (1) To a physician, druggist, dentist or veteri-
29 narian, which will entitle the holder to purchase liquor from
30 the State Liquor Stores or special distributors for use
31 medicinally and in compounding prescriptions and to sell the same
32 for use medicinally in the compounded prescription only
33 upon the prescription of a licensed physician or surgeon.

34 (2) To a soldier’s home, sanitarium, hospital or
35 home for the aged which will entitle the holder to purchase
36 liquor from the State Liquor Stores or special distributors
37 for use for medicinal purposes only.

38 (c) A “Special permit” in the prescribed form shall be
39 granted by the commission to a minister, clergyman, rabbi or priest

40 entitling the applicant to purchase sacramental wines or liquors
41 for sacramental purposes in accordance with the terms and pro-
42 visions of such “special permit” and in accordance with the pro-
43 visions of this Act and with the regulations made thereunder.

44 (d) Notwithstanding any of the provisions of this
45 Act, patent and proprietary medicines, tinctures, food pro-
46 ducts, extracts, toilet articles and perfumes, and other
47 like commodities, none of which are susceptible of use as
48 a beverage, but which require as one of their ingredients
49 alcohol or vinous liquors, may be manufactured and sold with-
50 in this State, provided a special permit so to do is first
51 obtained, as in this subsection provided.

52 Any person, firm or corporation desiring such per-
53 mit shall file with the Liquor Commission the affidavit of
54 such person, member of the firm, secretary or other managing
55 officer of the corporation, as the case may be, stating there-
56 in the following facts:

- 57 1. The name, place of business and Post Office address
58 of the person, firm or corporation desiring such permit.
- 59 2. The business in which said person, firm or corpor-
60 ation is engaged and the articles manufactured by them which
61 require in their manufacture the use of alcohol or vinous
62 liquors.
- 63 3. That neither the applicant, nor any member of the
64 firm, nor officer of the corporation has been convicted of
65 any violation of the laws of this State with reference to the

66 sale of intoxicating liquors within three (3) years last past
67 prior to the date of said affidavit.

68 If the Liquor Commission is satisfied that the
69 facts stated in said affidavit are true and that the appli-
70 cant is a person fit and proper to be entrusted with the per-
71 mit applied for, the same shall be issued upon the filing by
72 the applicant of a bond in the sum of Two Thousand Dollars
73 (\$2,000), with approved sureties, conditioned that the
74 applicant will faithfully observe the provisions of this
75 Act and the rules and regulations of the Commission.

76 Such "special permit" when so issued shall entitle the
77 holder thereof to import into the State, or purchase from
78 licensed distillers within the State, alcohol or vinous
79 liquors for use in manufacture, in accordance with the terms
80 of said permit, and to sell the product of such manufacture,
81 regardless of any of the other provisions of this Act with
82 respect to purchase and sale of alcohol or vinous liquors.

83 It shall be the duty of every manufacturer holding
84 such "special permit" under the provisions of this subsection
85 whenever such manufacturer shall purchase any alcoholic liquor from any
86 person, firm or corporation, other than the Liquor Commission,
87 immediately upon receipt thereof to file with the Liquor
88 Commission a report of the receipt of such liquor in accordance
89 with the rules and regulations as they may be established by
90 the Liquor Commission.

91 (e) A special permit in the form prescribed by the Com-

92 mission, upon payment of a fee of one dollar, shall be issued by
93 the commission to any individual, firm or corporation entitling
94 the holder of such permit to buy, manufacture and/or sell patent
95 and proprietary medicines, tinctures, food products, extracts,
96 toilet articles and perfumes, and other like commodities, none of
97 which are generally classified or used as a beverage but which
98 require as one of their ingredients alcoholic or vinous liquors.

99 But such permit fee required under subsection (e)
100 shall be good as long as the permittee remains in business, and
101 the permit is not revoked for cause by the Commission.

1 Sec. 20. For an "individual permit" under clause
2 (a) of subsection (2) issued before December 31, 1934, the
3 fee shall be two dollars (\$2.00) and such permit shall not
4 expire until June 30, 1935. On all such permits issued
5 on or after January 1, 1935, the fee shall be one dollar
6 (\$1.00), and such permits shall expire on June 30 following
7 date of issuance.

8 For a "special permit" under clause (b) of subsection
9 (2) of section 19 the fee shall be three dollars (\$3.00) per
10 year.

11 For a "special permit" under clause (c) of subsection
12 (2) of section 19 the annual fee shall be one dollar (\$1.00).

1 Sec. 21. A permit shall be a purely personal privilege and shall expire on
2 June thirtieth following date of issuance, except as provided in section
3 twenty, and shall be revocable for cause. It
4 shall not constitute property nor shall it be subject to attachment

5 and execution nor shall it be alienable nor assignable and in
6 any case it shall cease upon the death of the permittee. Every
7 permit shall be issued in the name of the applicant and no per-
8 son holding a permit shall allow any other person to use the
9 permit.

1 Sec. 22. No permit shall be issued or delivered to an applicant
2 for the same unless said applicant has in the presence of some
3 person duly authorized by the commission written his signature
4 thereon or filed his signature with such duly authorized person
5 in the manner prescribed by the regulations as fixed by the com-
6 mission for the purpose of the future identification of said per-
7 mit holder and until the signature has been witnessed and attested
8 to by such duly authorized official authorized to issue permits.

1 Sec. 23. Any permit holder whose permit has been lost, destroyed,
2 or stolen may make application to the commission or such other
3 duly authorized agent entitled to issue permits and upon satis-
4 factory proof of loss, destruction, or theft of said permit,
5 subject to the conditions contained in the regulations, may ob-
6 tain a duplicate permit in lieu of the permit so lost, destroyed,
7 or stolen for which duplicate permit a fee of Fifty Cents shall
8 be paid.

1 Sec. 24. Whenever the holder of any permit issued under the
2 provisions of this Act violates any of the provisions of this
3 Act or any regulations made thereunder or is an interdicted per-
4 son or is otherwise disqualified from holding such permit, the
5 commission, upon satisfactory proof of such fact, the existence

6 of such violation, the interdiction or disqualification of such
7 permit holder, may, in its discretion, with or without hearing,
8 suspend the permit and any and all rights of said permit holders
9 for such period of time as the commission may see fit or may
10 fully cancel said permit.

1 Sec. 25. Whenever a permit has been suspended or cancelled
2 as herein provided the holder of such permit shall forthwith
3 deliver the same to the commission. Upon failure of the permit
4 holder to deliver said permit to the commission upon request,
5 the commission shall forthwith cancel the same. In the case of
6 a suspension of the permit, the commission shall return the permit
7 to the holder at the expiration of such period of suspension.

8 Where the permit has been cancelled, the commission shall notify
9 the vendors, or such other persons as may be provided, in the
10 regulations made under this act, of the cancellation of said
11 permit and no permit shall thereafter be issued to such person
12 whose permit has been cancelled within a period of one (1) year
13 from the date of cancellation of said permit.

14 Whenever a permit shall be produced at a State owned ware
15 house, store, or distributor as defined by this Act by a person
16 who is not the lawful holder thereof, or where any permit which has
17 been suspended or cancelled is produced at such warehouse or store,
18 the vendor or official in charge of such warehouse or store shall
19 retain such permit in his custody and forthwith notify the
20 commission of such fact and the commission shall, unless such
21 permit has been cancelled, forthwith cancel the same; Provided,

22 however, that the proper holder of any permit lost, destroyed,
23 or stolen may, upon satisfactory proof to the commission that he
24 was not a party to such improper use, obtain a return of such
25 permit and re-establish his rights thereunder.

1 Sec. 26. Without attempting or intending to limit the
2 powers and duties of the commission in the matter of the revocation
3 of permits for cause or for any good and sufficient reason, the
4 commission, municipal and district court are hereby empowered
5 to revoke the permit of any holder as defined in this Act upon
6 satisfactory proof of any of the following grounds or causes:

- 7 (a) Drunkenness.
- 8 (b) Simulation of Drunkenness.
- 9 (c) Non-support of family or dependents.
- 10 (d) Desertion of family or dependents.
- 11 (e) The commission of any misdemeanor or felony in which
12 the use of alcoholic liquor was a contributing factor.

1 Sec. 27. All permits, individual and special, shall expire
2 one year after date of issuance.

1 Sec. 28. (1) Upon application in the prescribed form and
2 accompanied by a fee of Two Hundred Fifty Dollars (\$250), the
3 commission may in accordance with this Act, and in accordance
4 with the regulations, made thereunder, grant a license, good for a
5 period of one year after date of issuance to a manufacturer which
6 shall allow the manufacture, storage and wholesale disposition and
7 sale of alcoholic liquors and wines to the commission and to
8 customers outside of the state.

1 Sec. 29. As a condition precedent to the approval and
2 granting of any license to the manufacturer applying therefor,
3 there shall be filed with the commission a statement under
4 oath that the applicant is a bonafide manufacturer of alcoholic
5 liquors, and that the said applicant will faithfully observe
6 and comply with all rules and regulations of the commission then
7 existing, or thereafter made, and that he will in all respects
8 comply with the provisions of this Act; together with a bond
9 of Five Thousand Dollars (\$5,000) with a surety to be approved
10 by the commission; said bond to be in favor of the State of
11 Iowa for the benefit of the State in case of any violation of
12 this act.

1 Sec. 30. No manufacturer shall give away any alcoholic
2 liquor of any kind or description at any time in connection
3 with his business except for testing or sampling purposes only.

1 Sec. 31. No member or employee of the commission, directly
2 or indirectly, individually, or as a member of a partnership
3 or as a shareholder in a corporation shall have any interest
4 whatsoever in dealing in or in the manufacture of alcoholic
5 liquor nor receive any kind of profit whatsoever nor have any
6 interest whatsoever in the purchases or sale by the persons
7 authorized to purchase and sell alcoholic liquor except that no
8 provisions should prevent any such commissioner or employee from
9 purchasing and keeping in his possession for the personal use of
10 himself, or his family, or his guests any liquors which may be
11 purchased.

1 Sec. 32. No vender of any State Liquor Store or special
2 distributor shall sell any alcoholic liquor to any
3 individual permit holder except for cash.

1 Sec. 33. It is hereby made unlawful for any person to use
2 or consume any alcoholic liquors upon the public streets or
3 highways, or at any place other than a place of abode or a guest
4 room of a hotel, and no person shall be intoxicated nor simulate
5 intoxication in a public place; and any person violating any
6 provisions of this section shall be fined not to exceed one
7 hundred dollars (\$100.00) or sentenced not to exceed thirty
8 days in the county jail.

1 Sec. 34. Except in the case of liquor given or dispensed to
2 a person under the age of twenty-one years by parent or guardian
3 for beverage or medicinal purposes or as administered to him by
4 either the physician or dentist for medicinal purposes no person
5 shall sell, give, or otherwise supply liquor to any such person
6 under the age of twenty-one years, or knowingly permit any
7 person under that age to consume alcoholic liquors.

1 Sec. 35. Except in the case of liquor supplied to an
2 interdicted person upon the prescription of a physician or
3 administered by either a physician or dentist for medicinal
4 purposes, no person shall procure for or sell or give to any
5 interdicted person any alcoholic liquors, nor directly or
6 indirectly, assist in procuring or supplying any alcoholic
7 liquors to an interdicted person.

1 Sec. 36. No person whose permit or license has been

2 cancelled shall within one year after date of such cancellation
3 make application for or receive another permit or license.

1 Sec. 37. (1) No person whose permit has been either
2 suspended or cancelled shall purchase or attempt to purchase
3 any alcoholic liquors during the period of such suspension
4 or cancellation.

5 (2) No person shall apply for the purchase of any alcoholic
6 liquors except in his own name.

7 (3) No person shall sell, dispense, or give to any
8 intoxicated person, or one simulating intoxication, any
9 alcoholic liquors.

1 Sec. 38. No person except as authorized by this Act and
2 not holding a permit under this Act shall have any alcoholic
3 liquors in his possession within the State of Iowa.

1 Sec. 39. Except as permitted by Federal Statute and
2 regulations, there shall be no public advertisement or
3 advertising of alcoholic liquors in any manner or form within
4 the State of Iowa.

5 (1) No person shall publish, exhibit, or display or permit
6 to be displayed any other advertisement or form of advertisement,
7 or announcement, publication, or price list of, or concerning
8 any alcoholic liquors, or where, or from whom the same may be
9 purchased or obtained, unless permitted so to do by the
10 regulations enacted by the commission and then only in strict
11 accordance with such regulations.

12 (2) This section of the Act shall not apply, however,

13 (a) To the Iowa Liquor Control Commission.

14 (b) To the correspondence, or telegrams, or general
15 communications of the commission, or its agents, servants,
16 and employees;

17 (c) To the receipt or transmission of a telegram or
18 telegraphic copy in the ordinary course of the business of
19 such agents, servants, or employees of any telegraph company.

1 Sec. 40. No person not expressly authorized by this Act
2 to deal in alcoholic liquors shall within the State of Iowa
3 keep for sale, or offer for sale anything which is either
4 labelled or branded with the name of any kind of alcoholic
5 liquor whether the same contains any alcoholic liquor or not.

1 Sec. 41. No person in the State of Iowa shall have or keep
2 any alcoholic liquor which has not
3 been purchased from a state vendor, a state owned warehouse,
4 the Iowa Liquor Control Commission, or special
5 distributor, except as provided for in this Act.

1 Sec. 42. Whenever it shall be established to the satisfaction
2 of either the commission or the judge of any superior, municipal
3 or district court that the holder of any permit defined under
4 this Act shall have been guilty of any of the grounds or causes
5 for the revocation of a permit, as set forth
6 in Section twenty-six of this Act, or who shall by the
7 excessive use of alcoholic liquors injure his health, impair, or
8 endanger the welfare of his family, misspend, squander, or waste
9 his estate, an order of interdiction may be made by either the

10 commission or the judge of any superior, municipal or district
11 court directing the suspension or cancellation of any permit and
12 prohibiting the sale of alcoholic liquors to such persons until
13 the further order of either the commission or the court making
14 such an order. In the event such order is made by the court, a
15 certified copy of the same shall be forthwith filed with the
16 commission. The commission or the court may as a part of its
17 order of interdiction in any such case provide and declare
18 forfeited any alcoholic liquor in the possession of such permit
19 holder or may take possession of and retain for such permit
20 holder any alcoholic liquors until such order of interdiction may
21 be satisfied, set aside, or modified by either the commission or
22 the court entering such order.

23 Whenever by satisfactory proof it shall appear to either the
24 commission or to the court making such an order of interdiction
25 that the interdicted person has purged himself of the conduct,
26 grounds, reasons, or causes for the suspension, cancellation, or
27 order of interdiction, the commission or the court making such an
28 order of interdiction may set aside or modify said order, and if
29 deemed advisable, in any such case reinstate said interdicted
30 person to his or her rights and privileges under this Act. Whenever
31 such order of interdiction has been made by or filed with the
32 commission, the commission shall forthwith notify the vendors of
33 such order of interdiction.

1 Sec. 43. For the purpose of enabling the Commission
2 to carry out the provisions of this Act, there is hereby

3 appropriated from the funds of the State Treasury not other-
4 wise appropriated the sum of five hundred thousand dollars
5 and the State Comptroller shall set aside from the appropriation
6 the amount necessary to be used by the Commission for the
7 purchase of alcoholic liquors and payment of such other ex-
8 penses as may be necessary to establish and operate State
9 Liquor Stores and special distributors in accordance with the
10 provisions of this Act and to perform such other duties as
11 are imposed upon it by this Act.

12 All money hereafter received by the Commission, in-
13 cluding any money received under the appropriation herein made,
14 shall constitute what shall hereafter be known as the Liquor
15 Control Act Fund. Whenever said Liquor Control Act Fund shall
16 have a balance in excess of the amount necessary to carry out
17 the provisions of this Act, the Comptroller shall transfer such
18 excess to the general fund of the State Treasury,
19 which amount shall be used to reduce the general state
20 tax levy against real estate.

1 Sec. 44. It shall be the duty of the Commission or its
2 authorized agents to issue individual permits, to remit to the
3 Commission all fees received by them from the issuance
4 of individual permits and the Commission shall upon
5 receipt of such funds credit the same to the "Liquor Control Act Fund"
6 herein provided. The commission or authorized agents designated
7 to sell individual permits, shall report the fees received and
8 remit the same once each month, said report and remittances to

9 be made on or before the tenth day of the month succeeding
10 that for which the report is made.

1 Sec. 45. The appropriation hereby made shall be paid by the
2 Treasurer of State upon the orders of the Commission, in such
3 amounts and at such times as in the discretion of the Commission,
4 may be necessary to carry on operations in accordance with the
5 terms of this Act.

1 Sec. 46. It shall be the duty of the Commission to make a
2 report to the Governor of the State, ending with June 30th of
3 each year, showing fully the results of the
4 operations of the Commission covering the period since the
5 last previous report, and which report shall show :

- 6 1. Amount of profit or loss, if any, on account of State
7 Liquor Stores and special distributors.
- 8 2. Number of such Liquor Stores opened, the number closed,
9 and the number thereof operating on last day included in report.
- 10 3. Number of such special distributors appointed and
11 number of such appointments in force on last day shown in report.
- 12 4. Amount of fees received from such stores and amount of
13 fees received from such distributors, separately and in gross.
- 14 5. The amount of said Liquor Control Act fund then in the hands of
15 the Commission and also in the hands of the State Treasurer.
- 16 6. All other funds on hand and the source from which derived.
- 17 7. The total quantity and particular kind of alcoholic
18 liquor sold.
- 19 8. The increase or decrease of such liquor sales.

20 9. Number of arrests and/or convictions for violations of
21 this Act and/or any other law of this State pertaining to
22 alcoholic liquors.

23 In order that the said Commission may be provided with the
24 necessary information to make out the report required by this Act,
25 it shall be the duty of every Justice of the Peace, Police Court,
26 Mayor's Court and every Clerk of a Court of Record in this State
27 to forward to said Commission during the month of July of each
32 year a full and complete report of each case
29 commenced in the Court of such Justice, Police Court, Mayor's
30 Court, or any Court of Record, in which a violation of this Act
31 or any other law of this State pertaining to alcoholic liquors
32 was charged, and the disposition of the same.

1 Sec. 47. There is hereby granted unto said commission the
2 sole and exclusive right of importation, into the state, of all
3 forms of alcoholic liquor and no person, partnership, club,
4 corporation, or association shall so import any such alcoholic
5 liquor; and no brewery or distillery shall sell any such alcoholic
6 liquor within the State to any person, partnership, club,
7 corporation, or association but only to the commission, the
8 intent hereof being to vest in said commission exclusive control
9 within the State of Iowa both as purchaser and vendor of all
10 alcoholic liquor sold by such breweries or distilleries within
11 the State of Iowa or imported therein, except beer as referred
12 to in Chapter thirty-seven, Acts of the Forty-fifth General
13 Assembly of the State of Iowa and amendments thereto.

1 Sec. 48. This Act shall not impair or affect any act done,
2 offense committed or right accruing, secured or acquired, or
3 penalty, forfeiture or punishment incurred prior to the time
4 this Act takes effect, but the same may be enjoyed, asserted,
5 enforced, prosecuted or inflicted, as fully and to the same
6 extent as if this Act had not been passed.

1 Sec. 49. Notwithstanding anything in this Act contained, any
2 person may manufacture native wines from grapes, cherries, or
3 other fruit, grown in the State of Iowa; but any such wines
4 manufactured cannot be sold, but are for consumption in the
5 private residence of the manufacturer.

1 Sec. 50. The Auditor of State shall cause the financial
2 condition and transactions of all offices, departments, stores,
3 warehouses, depots and liquor transactions of special
4 distributors of the Iowa Liquor Control Commission
5 to be examined at least once each year by the State Examiners of
6 accounts and at shorter periods if requested by the Commission,
7 Governor, or Executive Council.

1 Sec. 51. All provisions of Chapter seven (7) of the Acts
2 of the Forty-fifth (45) General Assembly of the State of Iowa
3 relating to auditing of financial records of governmental
4 sub-divisions which are not inconsistent herewith are hereby
5 made applicable to the Iowa Liquor Control Commission, the liquor
6 transactions of its special distributors and any
7 of its offices, stores, warehouses and depots.

1 Sec. 52. Any person who shall, by himself, or his employee,

2 servant, or agent, for himself or any person, company or corporation,
3 keep or carry around on his person, or in a vehicle, or leave in a
4 place for another to secure, any alcoholic liquor as herein
5 defined, with intent to sell or dispense of the same by gift or
6 otherwise, or who shall, within this state, in any manner,
7 directly or indirectly, solicit, take or accept any order for the
8 purchase, sale, shipment or delivery of such alcoholic liquors in
9 violation of this Act, or aid in the delivery and distribution of
10 any alcoholic liquors so ordered or shipped, or who shall in any
11 manner procure for, or sell or give any alcoholic liquors to any
12 minor or interdicted person, for any purpose except as authorized
13 and permitted in this Act, shall be termed a bootlegger and upon
14 conviction shall be sentenced to hard labor in the penitentiary
15 for an indeterminate period not exceeding five years.

1 Sec. 53. The building, erection, or place, or the ground
2 itself, in or upon which the unlawful manufacture or sale, or
3 keeping with intent to sell, use or give away, any alcoholic
4 liquors is carried on or continued or exists, and any vehicle
5 or other means of conveyance used in transporting such liquor
6 in violation of this Act, and the furniture, fixtures, vessels
7 and contents, kept or used in connection therewith, are declared
8 a nuisance and shall be abated as in this Act provided.

1 Sec. 54. Whoever shall erect, establish, continue or use any
2 building, erection or place for any of the purposes prohibited in
3 the immediately preceding section, is guilty of a nuisance and
4 upon conviction shall be punished by a fine of not less than three

5 hundred dollars (\$300), nor more than one thousand dollars (\$1000),
6 or imprisonment in the county jail not exceeding one (1) year, or
7 by both such fine and imprisonment and shall stand committed until
8 such fine imposed is paid.

1 Sec. 55. Actions to enjoin nuisances shall be brought in equity
2 in the name of the State by the County Attorney who shall prosecute
3 the same to judgment.

1 Sec. 56. In such action, the Court or a judge in vacation,
2 shall, upon the presentation of a Petition therefor, allow a
3 temporary writ of injunction without bond, if it shall be made
4 to appear to the satisfaction of the Court or judge by evidence in
5 the form of affidavits, depositions, oral testimony or otherwise,
6 that the nuisance complained of exists.

1 Sec. 57. Three (3) days' notice in writing shall be given
2 the defendant of the hearing of the application, and if then
3 continued at his instance the writ as prayed shall be granted
4 as a matter of course.

1 Sec. 58. When an injunction has been granted, it shall be
2 binding upon the defendant throughout the state and any violation
3 of the provisions of this Act anywhere within the state shall be
4 punished as a contempt, as herein provided.

1 Sec. 59. The action, when brought, shall be triable at the
2 first term of court after due and timely service of notice of
3 the commencement thereof has been given.

1 Sec. 60. In all actions to enjoin a nuisance or to establish
2 a violation of the injunction, evidence of the general reputation

3 of the place described in the Petition or Information shall be
4 admissible for the purpose of proving the existence of the
5 nuisance or the violation of the injunction.

1 Sec. 61. In the case of a violation of any injunction
2 granted under the provisions of this Act, the Court, or in
3 vacation a judge thereof, may summarily try and punish the
4 defendant. The proceedings shall be commenced by filing with
5 the Clerk of the Court an Information under oath setting out the
6 alleged facts constituting such violation, upon which the Court
7 or judge shall cause a warrant to issue under which the defendant
8 shall be arrested.

1 Sec. 62. The trial shall be as in equity and may be had
2 upon depositions, or either party may demand the production and
3 oral examination of the witnesses.

1 Sec. 63. A party found guilty of contempt under the provisions
2 of the preceding section of this Act shall be punished by a fine
3 of not less than three hundred dollars (\$300), nor more than one
4 thousand dollars (\$1000), or by imprisonment in the county jail
5 not less than six (6) months, nor more than twelve (12) months,
6 or by both such fine and imprisonment.

1 Sec. 64. A bootlegger as defined in this Act may be restrained
2 by injunction from doing or continuing to do any of the acts
3 prohibited herein, and all the proceedings for injunctions,
4 temporary and permanent, and for punishments for violation of
5 the same as prescribed herein, shall be applicable to such person,
6 company, or corporation, and the fact that an offender has no

7 known or permanent place of business, or base of supplies, or
8 quits the business after the commencement of an action, shall
9 not prevent a temporary or permanent injunction, as the case
10 may be, from issuing.

1 Sec. 65. In no case shall a bootlegger injunction proceeding,
2 as provided in this Act, be maintained unless it be shown to
3 the Court that efforts in good faith have been made to discover
4 the base of supplied or place where the defendant charged as a
5 bootlegger conducts his unlawful business or receives or manufactures
6 the alcoholic liquors, of which he is charged with bootlegging.

1 Sec. 66. If the existence of the nuisance be established
2 in a civil or criminal action, an order of abatement shall be
3 entered as a part of the judgment in the case, which order
4 shall direct the confiscation of the alcoholic liquors by the
5 State of Iowa, and in case a vehicle or other means of conveyance
6 is abated, the sale thereof as hereinafter provided, the removal from
7 the building or place of all fixtures, furniture, vessels or
8 movable property used in any way in conducting the unlawful business
9 and sale thereof, in the manner provided for the sale of chattels
10 under execution, and the effectual closing of the building, erection
11 or place against its use for any purpose prohibited in this Act,
12 and so keeping it for a period of one year unless sooner released.

1 Sec. 67. If any one shall break into or use a building or
2 place so directed to be closed, he shall be punished as for
3 contempt, as provided in this Act.

1 Sec. 68. For removing and selling the movable property, the

2 officer shall be entitled to charge and receive the same fees
3 as he would for levying upon and selling like property on
4 execution; and for closing the premises and keeping them closed
5 a reasonable sum shall be allowed by the Court.

1 Sec. 69. The proceeds of the sale of the personal property
2 in abatement proceedings shall be applied first in payment of the
3 costs of the action and abatement, and second to the satisfaction
4 of any fine and costs adjudged against the proprietor of the
5 premises and keeper of said nuisance, and the balance, if any,
6 shall be paid to the defendant.

1 Sec. 70. If the owner appears and pays all costs of the
2 proceeding and files a bond with sureties to be approved by the
3 Clerk in the full value of the property, to be ascertained by the
4 Court, or in vacation by the Clerk, auditor and treasurer of the
5 county, conditioned that he will immediately abate said nuisance
6 and prevent the same from being established or kept therein within
7 a period of one year thereafter, the Court, or in vacation a judge,
8 may, if satisfied of his good faith, order the premises closed
9 under the order of abatement to be delivered to said owner and
#10 the said order of abatement cancelled, so far as same may relate
11 to said property.

1 Sec. 71. If the proceeding be an action in equity and said
2 bond be given and costs therein paid before judgment, and order
3 of abatement, the action shall thereby be abated as to said
4 building only.

1 Sec. 72. The release of the property under the provisions

2 of either of the two preceding sections shall not release it
3 from any judgment lien, penalty or liability, to which it may be
4 subject by law.

1 Sec. 73. Undertakings of bonds for abatement shall immediately
2 after filing by the Clerk of the District Court be docketed and
3 entered upon the lien index as required for judgments in civil
4 cases, and from the time of such entries shall be liens upon real
5 estate of the persons executing the same, with like effect as
6 judgments in civil actions.

1 Sec. 74. Attested copies of such undertakings may be filed
2 in the office of the Clerk of the District Court of the county
3 in which the real estate is situated in the same manner and with
4 like effect as attested copies of judgments, and shall be
5 immediately docketed and indexed in the same manner.

1 Sec. 75. If the owner of a property who has filed such
2 abatement bond as in this chapter provided fails to abate the
3 said liquor nuisance on the premises covered by the bond, or fails
4 to prevent the maintenance of any liquor nuisance on said
5 premises at any time within the period of one year, the Court
6 must, after a hearing in which the said fact is established
7 direct an entry of such violation of the terms of his said bond,
8 to be made on the record and the undertaking of his bond is
9 thereupon forfeited.

1 Sec. 76. A proceeding to forfeit an abatement bond shall be
2 commenced by filing with the Clerk of the Court, by the County
3 Attorney of the county where the bond is filed, an application

4 under oath to forfeit said bond, setting out the alleged facts
5 constituting the violation of the terms of said bond, upon which
6 the judge or court shall direct by order attached to said
7 application that a notice be issued by the Clerk of the District
8 Court, directed to the principal and sureties on said bond to
9 appear at a certain date fixed to show cause, if any they have,
10 why the said bond should not be forfeited and judgment entered
11 for the penalty therein fixed.

1 Sec. 77. The trial shall be to the Court and as in equity,
2 and be governed by the same rules as to evidence as in contempt
3 proceedings.

1 Sec. 78. If the Court after hearing finds a liquor nuisance
2 has been maintained on the premises covered by the abatement
3 bond and that liquor has been sold or kept for sale on the
4 premises contrary to law within one year from the date of the
5 giving of said bond, then the Court shall order the forfeiture
6 of the bond and enter judgment for the full amount of said bond
7 against the principal and sureties thereof, and the lien on the
8 real estate heretofore created shall be decreed foreclosed and
9 the court shall provide for a special and general execution for
10 the enforcement of said decree and judgment.

1 Sec. 79. Appeal may be taken as in equity cases and the cause
2 be triable de novo except that if the State appeals it need not
3 file an appeal or supersedeas bond.

1 Sec. 80. It shall be the duty of the County Attorney to
2 prosecute in the name of the State of Iowa all forfeitures of

3 abatement bonds and the foreclosures of same.

1 Sec. 81. It shall be a misdemeanor for any peace officer
2 to delay service of original notices, writs of injunction, writs
3 of abatement or warrants for contempt in any equity case filed
4 for injunction or abatement by the State of Iowa.

1 Sec. 82. On the issue whether a party knew or ought to
2 have known of such nuisance, evidence of the general reputation
3 of the place shall be admissible.

1 Sec. 83. Information or indictments under this Act may
2 allege any number of violations of its provisions by the same
3 party, but the several charges must be set out in separate counts,
4 and the accused may be convicted and punished upon each one as on
5 separate informations or indictments, and a separate judgment
6 shall be rendered on each count under which there is a finding
7 of guilty.

1 Sec. 84. Unless otherwise stated, any person who violates
2 any of the provisions of this Act, or who makes a false statement
3 concerning any material fact in submitting an application for a
4 permit or license, shall be punished by a fine of not less than
5 three hundred dollars (\$300) nor more than one thousand dollars
6 (\$1000), or by imprisonment in the county jail for not less than
7 three (3) months nor more than one (1) year, or by both such
8 fine and imprisonment.

1 Sec. 85. Should any section, clause, sentence, or provision
2 of this Act, be held to be invalid for any reason, such holding
3 or decree shall not be construed as affecting the validity of any

4 of the remaining portions of this Act, it being the intent of the
5 Legislature that this Act shall stand and the Legislature would
6 have adopted the remainder of this Act, notwithstanding the
7 invalidity of any such section, clause, sentence, or provision.

1 Sec. 86. Enforcement Agencies. In every county in
2 Iowa the county attorney will constitute the head of the
3 enforcement provision for the Iowa liquor control commission.
4 As supplementary aids to such attorney the sheriff and his
5 deputy, or deputies, and the police department of every
6 city, this to include the day and night marshal of every
7 incorporated town.

8 Any neglect or indifferentism shown by any peace
9 officer included in this section will be sufficient cause
10 for his removal from office; and the conclusive evidence
11 of his guilt when presented before a judge of the dis-
12 trict court will be full and complete warrant for such
13 court to issue the decree of removal.

1 Sec. 87. This Act being deemed of immediate importance, it
2 shall be in effect upon its publication in the Fort Madison
3 Democrat, a daily newspaper published in the city of Fort Madison,
4 Iowa, and in the Ottumwa Daily Courier, a daily newspaper published
5 in the city of Ottumwa, Iowa.

A BILL FOR

An Act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act; provided, however, that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) and Chapter Thirty-eight (38) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) and Chapter Thirty-eight (38) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. This Act shall be cited as the Iowa Liquor Control
- 2 Act, and shall be deemed an exercise of the police power of the
- 3 State, for the protection of the welfare, health, peace, morals
- 4 and safety of the people of the State, and all its provisions
- 5 shall be liberally construed for the accomplishment of that
- 6 purpose, and it is declared to be the public policy that the
- 7 traffic in alcoholic liquors is so affected with a public
- 8 interest that it should be regulated to the extent of

9 prohibiting all traffic in them, except as hereinafter
10 provided for in this Act through the medium of an Iowa Liquor Control
11 Commission by this Act created, in which is vested the sole
12 and exclusive authority to purchase alcoholic liquors, as
13 defined herein, for the purpose of resale.

1 Sec. 2. Wherever any provisions of the existing laws are in conflict
2 with the provisions of this Act, the provisions of this Act shall
3 control and supersede all such existing laws, provided, however,
4 that the repeal of any Chapters of the Code or sections thereof
5 shall in no manner repeal or affect Chapter Thirty-seven (37)
6 and Chapter Thirty-eight (38) of the Laws of the Forty-fifth
7 (45th) General Assembly, it being the intent of this Act that
8 the said Chapter Thirty-seven (37) and
9 Chapter Thirty-eight (38) of the Laws of the Forty-fifth (45th)
10 General Assembly shall remain in full force and effect as enacted
11 or as hereafter amended.

1 Sec. 3. It shall be unlawful to manufacture for sale, sell, offer
2 or keep for sale, possess and/or transport vinous, fermented,
3 spirituous, or alcoholic liquor, except beer as defined in Chapter
4 Thirty-seven (37) of the Laws of the Forty-fifth General Assembly,
5 or as the same may hereafter be amended for any purpose whatso-
6 ever, except upon the terms, conditions, limitations and restrictions
7 as set forth herein.

1 Sec. 4. For the interpretation of this Act, unless the
2 context indicates a different meaning:

3 1. "Commission" means the commission created by this

4 Act under the name of the "Iowa Liquor Control Commission".

5 2. "Alcohol" means the product of distillation of any
6 fermented liquor, rectified either once or oftener, whatever
7 may be the origin thereof, and includes synthetic ethyl alcohol.

8 3. "Spirits" means any beverage which contains alcohol
9 obtained by distillation mixed with drinkable water and other
10 substances in solution, and includes, among other things, brandy,
11 rum, whisky, and gin.

12 4. "Wine" means any alcoholic beverage obtained by the
13 fermentation of the natural sugar contents of fruits, (grapes,
14 apples, etc.) or other agricultural products containing sugar,
15 (honey, milk, etc.).

16 5. "Alcoholic Liquor" includes the three varieties of liquor
17 above defined (alcohol, spirits, and wine), and every liquid or solid,
18 patented or not, containing alcohol, spirits, or wine, and susceptible
19 of being consumed by a human being, for beverage purposes.
20 Any liquid or solid containing more than one of the three varieties
21 above defined is considered as belonging to that variety which
22 has the highest percentage of alcohol, according to the order
23 in which they are above defined.

24 6. "Person" includes any natural person, association,
25 partnership, corporation, and club.

26 7. "Whosoever" when used in reference to any offender under
27 this Act, includes every person who acts for himself or for any
28 other person, and includes also such other person.

29 8. "Residence" means the premises where a person resides,

30 permanently, or temporarily.

31 9. "License" means a contract between the commission and a
32 licensee entitled thereto under the provisions of this Act.

33 10. "Manufacture" means to distill, rectify, ferment, brew,
34 make, mix, concoct, or process any substance or substances
35 capable of producing a beverage containing more than one-half
36 of one per centum of alcohol by volume and includes "blending",
37 "bottling", or the preparation for "sale"

38 11. "Package" means any container or containers, receptacle
39 or receptacles used for holding liquor.

40 12. "Distillery", "winery", and "brewery" means not
41 only the premises wherein "alcohol" or "spirits" is distilled,
42 or rectified "wine" is fermented, but in addition
43 a "person" owning, representing or in charge of such
44 premises and the operations conducted thereon, including the
45 blending and bottling or other handling and preparation of
46 "alcoholic liquor" in any form.

47 13. "Importer" means the "person" transporting or ordering,
48 authorizing or arranging the transportation or shipment of
49 "alcoholic liquor" into the State of Iowa whether such "person"
50 is a resident or citizen of Iowa or not.

51 14. "Interdicted Person" means a person to whom the sale
52 of liquor is prohibited by an order of the commission or the
53 court under this Act.

54 15. "Import" means the transporting or ordering or arranging
55 for the transportation or shipment of "alcoholic liquor" into

56 the State of Iowa whether by a resident of the State or otherwise.

57 16. "State Liquor Store" means a store established by the
58 Liquor Control Commission under this Act for the sale of
59 alcoholic liquor in the original package for consumption off
60 the premises.

61 17. "Special Distributor" means a person especially
62 designated by the Commission to dispense alcoholic liquors,
63 subject to the provisions of this Act, in such cities and towns
64 as in the opinion of the Commission there is not sufficient demand
65 for a State Liquor Store.

66 18. "Warehouse" means any premises or place primarily
67 constructed or used or provided with facilities for the storage
68 in transit or other temporary storage of perishable goods
69 and/or for the conduct of normal warehousing business.

70 19. "Public Place" includes any place, building or
71 conveyance to which the public has or is permitted to have
72 access and any place of public resort.

73 20. "Guest Room of a Hotel" for the purpose of this Act
74 shall mean the sleeping room and/or living apartment, and shall not
75 include the lobby or dining room or other room or rooms no matter how
76 designated.

77 21. "Permit" means a permit for the purchase and/or
78 consumption of liquor by an individual under this Act.

79 22. (a) "Hotel" means every building or other structure, kept,
80 used, maintained, advertised, and held out to the public to be a
81 place where food is served and sleeping accommodations are

82 offered for pay to transient guests in which rooms are used for
83 sleeping accommodations for such transient guests and having one or
84 more dining rooms being connected in the same building or buildings,
85 structure or structures, being provided, in the judgment of the
86 commission, with adequate and sanitary kitchen and dining room
87 equipment and capacity and having employed therein such number and
88 kinds of servants and employees as the commission may by regulation
89 prescribe for preparing, cooking, and serving suitable food for
90 its guests.

91 (b) "Restaurant" means a space in a suitable building, approved
92 by the commission, kept, used, maintained, advertised, or held out
93 to the people to be a place where the principal business is the
94 serving of meals without sleeping accommodations, such space being
95 provided, in the judgment of the commission, with adequate and sani-
96 tary kitchen and dining room equipment and capacity and having
97 employed therein such number and kinds of servants and employees
98 as the commission may by regulation prescribe for preparing, cooking,
99 and serving suitable food for its guests.

100 (c) "Club" means an association of persons, whether incorporated
101 or unincorporated, for the promotion of some common object
102 (not including associations organized for any commercial or business
103 purpose the object of which is money profit), owning, hiring, or
104 leasing a building or space in a building, of such an extent and char-
105 acter as in the judgment of the commission may be suitable and
106 adequate for the reasonable and comfortable use and accommodation
107 of its members and their guests and provided with suitable and adequate

108 kitchen and dining room space and equipment, implements and
109 facilities, and employing a sufficient number of servants or employees
110 for cooking, preparing and serving food and meals for its members
111 and their guests; provided, that such club files with the commission
112 annually within ten (10) days of February first of each year a list
113 of the names and residences of its members, and similarly files within
114 ten (10) days of the election of any additional member, his name
115 and address, and that its aggregate annual membership fees or dues
116 and other income, exclusive of any proceeds of the sale of alcoholic
117 liquor, are sufficient to defray the annual rental of its leased or rented
118 premises, or, if such premises are owned by the club, are sufficient
119 to meet the taxes, insurance, repairs, and the interest on any mortgage
120 thereof; and provided, further, that its affairs and management
121 are conducted by a board of directors, executive committee, or
122 similar body chosen by the members at their annual meeting, and
123 that no member or any officer, agent, or employee of the club is
124 paid, or directly or indirectly receives in the form of salary or
125 other compensation, any profits from the disposition or sale of alcoholic
126 liquor to the club or to the members of the club, or its guests
127 introduced by members, beyond the amount of such salary as may
128 be fixed and voted at annual meetings by the members or by its
129 directors or other governing body and as reported by the club to the
130 commission, within three months after such annual meeting and as
131 shall in the judgment of the commission be reasonable and proper
132 compensation for the services of such member, officer, agent, or
133 employee

134 23. Whenever reference shall be made to anything
135 forbidden under this Act, and relating to alcoholic liquor,
136 the words, "to sell" includes; to solicit, or receive an
137 order for; to keep or expose for sale; to deliver for value
138 or in any other way than purely gratuitously; to peddle; to
139 keep with the intent to sell; to keep or transport in
140 contravention of Section three of this Act; to traffic in for
141 a valuable consideration, promised or obtained directly or
142 indirectly, or under any pretext or by any means whatsoever,
143 to procure or allow to be procured for any other person; and
144 the word, "sale" includes every act of selling as above defined.

145 24. "Wholesaler" means any person who shall sell, barter,
146 exchange, offer for sale or have in possession with intent to sell
147 alcoholic liquor and wines to retailers for re-sale.

1 Sec. 5. (1) There is hereby created a commission compos-
2 ed of five electors of this state to be known and designated
3 as the Iowa Liquor Control Commission, not more than three of
4 whom shall belong to the same political party and no two of
5 whom shall, at the time of appointment, reside in the same
6 congressional district. The commission shall be held strictly
7 accountable for the enforcement of the provisions of this Act.

8 (2) No member, officer or employee of said commission
9 shall, while holding such office or position, hold any other
10 office or position under the laws of this state or of any other
11 state or of the United States, and shall not engage in any oc-
12 cupation or business inconsistent and/or interfering with the

13 duties of such employment; and no such member, officer or em-
14 ployee shall, while holding such office or position, serve on
15 or under or be a member of any committee of any political party,
16 and shall not, directly or indirectly, use his influence to in-
17 duce any other officer or officers, employee or employees, elec-
18 tor or electors of this state to adopt his political views
19 or to favor any particular candidate for office, nor shall any
20 such member, officer or employee contribute in any manner, direct-
21 ly or indirectly, any money or other things of value to or for
22 any person or persons, committee or committees, for campaign or
23 election purposes. Any such member, officer or employee who
24 violates any of the terms and/or provisions of this subsection
25 (2) shall be deemed guilty of corruption.

26 (3) Any member, secretary, officer or employee of said
27 commission shall be removable for any of the causes and in the
28 manner provided by chapter fifty-six (56) of the Code of 1931,
29 as amended, relating to removal from office; such removal
30 shall not be in lieu of any other punishment that may
31 be prescribed by the laws of the State of Iowa.

32 (4) The commission shall, on July first of each year,
33 select one of its members as chairman, who shall serve in such
34 capacity for the succeeding year. Each member of the commission
35 shall devote his entire time to the duties of his office, and
36 his salary shall be five thousand dollars a year.

37 Said commission may employ a secretary and such other assistants
38 and/or employees as may reasonably be necessary, and at such

39 salary each as may be fixed by said commission.

40 Members of the commission and said secretary, assistants
41 and/or employees shall be allowed their actual and necessary
42 expenses while traveling on business of the commission outside
43 of their place of residence; provided, however, that an itemized
44 account of such expenses shall be verified by the member, secre-
45 tary, assistant and/or employee making claim for payment and shall
46 be approved by a majority of the members of the commission.
47 If such account is paid, the same shall be filed in the office of
48 said commission and be and remain a part of its permanent records.
49 All of said salaries and expenses shall be payable out of the
50 Liquor Control Act Fund created by this Act.

51 (5) The members of the first commission shall be ap-
52 pointed by the governor, subject to approval of the Senate
53 by a two-thirds ($\frac{2}{3}$) vote of the members in executive session,
54 as follows: two for a term to expire July 1, 1935;
55 two for a term to expire July 1, 1937; and one for a term to
56 expire July 1, 1939. Said terms shall begin immediately upon
57 the appointment, approval and qualification.

58 Thereafter, the term of each member of said commission
59 shall be six years; and the governor shall, within sixty days
60 following the organization of each regular session of the gen-
61 eral assembly, appoint, with the approval of two-thirds of the
62 members of the senate in executive session, a successor to the
63 member of said commission whose term of office will expire July
64 first next following.

65 (6) Any vacancy or vacancies on said commission which
66 may occur when the general assembly is not in session shall be
67 filled by appointment by the governor, which appointment shall
68 expire at the end of thirty days following the organization of
69 the next general assembly. Prior to the expiration of said
70 period of thirty days, the governor shall transmit to the senate
71 for its approval an appointment for the unexpired portion of the
72 regular term. Any vacancy or vacancies occurring when the general
73 assembly is in session shall be filled in the same manner as reg-
74 ular appointments are made, and before the end of such session,
75 and for the unexpired portion of the regular term.

1 Sec. 6. The principal place of business of the Iowa Liquor Control
2 Commission shall be in the city of Des Moines, Iowa,
3 and the Executive Council of the State of Iowa shall provide
4 suitable quarters or offices for the Iowa Liquor Control
5 Commission in Des Moines, Iowa.

1 Sec. 7. The commission shall have the following functions,
2 duties and powers:

3 (a) To buy, import, and have in its possession for sale
4 and sell liquors in the manner set forth in this Act.

5 (b) To establish, maintain and/or discontinue
6 State Liquor Stores and special distributors and to
7 determine the cities and towns, including cities and towns
8 under special charter and cities under commission form of
9 government in which State Liquor Stores and special distributors
10 shall be located. However, no liquor store or special distributor

11 shall be established within three hundred (300) feet of any school
12 building used for school purposes or any church used as such.

13 (c) To grant and refuse for cause, permits for
14 the purchase of liquor.

15 (d) To rent, lease, and/or equip any building or any land
16 necessary to carry out the purposes of this act.

17 (e) To lease all plants and lease or buy equipment it may
18 consider necessary and useful in carrying into effect the objects
19 and purposes of this Act.

20 (f) To appoint vendors, clerks, or other employees required
21 for the operation or carrying out of this Act and to dismiss the
22 same, but not without cause deemed by the commission
23 in its discretion as sufficient; to fix their
24 salaries or remuneration; assign them their title,
25 duties and powers.

26 (g) To issue and grant permits and licenses; and to revoke
27 all such licenses and permits for cause, under this Act.

28 (h) To determine the nature, form and capacity of all
29 packages containing liquor kept or sold under this Act; provided
30 that all spiritous and vinous liquor shall be purchased and
31 sold only in the original package, unless otherwise
32 herein provided for.

33 (i) To license, inspect and control the manufacture of al-
34 coholic liquors and regulate the entire liquor industry in the
35 State of Iowa.

36 (j) To employ a chemist, maintain a laboratory, to test,

37 label and certify to all alcoholic liquors sold in Iowa.

38 (k) To establish and maintain in its own name in the
39 State Treasury a special account, hereinafter known as the
40 Liquor Control Act Fund, in an amount necessary for use of
41 the Commission, said amount to be determined by the State
42 Comptroller.

43 (l) To designate what hotels, restaurants, and
44 clubs shall be allowed to sell wines of natural
45 fermentation.

1 Sec. 8. (1) The commission may make such rules and regulations
2 not inconsistent with this Act, which to the commission may seem
3 expedient or necessary for carrying out the provisions of this Act
4 and for the efficient administration thereof.

5 (2) Without attempting or intending to limit the
6 power of the commission as to the provisions contained in sub-
7 section (1) hereof, it is declared that the commission may and it
8 does have the power to make regulations in the manner set forth
9 in the foregoing subsection and that said powers shall extend
10 to and include the following:

11 (a) Prescribing the duties of the secretary,
12 officers, clerks, servants, agents, or employees of the commission
13 and regulating their conduct while in the discharge of their
14 duties.

15 (b) Regulating the management, equipment and merchandise
16 of State Liquor Stores, and warehouses in and from which liquors
17 are transported, kept or sold and prescribing the

18 books and records to be kept therein. This paragraph shall
19 apply to special distributors in so far as in the
20 opinion of the commission it is deemed necessary for proper
21 regulation and control.

22 (c) Regulating the purchase of liquor generally and the
23 furnishing of liquor to State Liquor Stores and special
24 distributors established under this Act, determining the
25 classes, varieties, and brands of alcoholic liquors to be kept
26 in state warehouses or for sale at any State Liquor Store or by any
27 special distributor.

28 (d) Prescribing forms or information blanks to be used for
29 the purpose of this Act or the regulations made thereunder and
30 the terms and conditions under which permits and licenses may
31 be issued or granted.

32 (e) Prescribing the nature and character of proof to be
33 furnished and conditions to be observed in the issuance of
34 duplicate permits where the originals have been either lost or
35 destroyed.

36 (f) Providing for the issuing and distributing of price
37 lists showing the price to be paid by purchasers for each brand,
38 class or variety of liquors kept for sale under this Act, and such
39 prices shall be uniform throughout the State.

40 (g) Prescribing what official seals or labels should be
41 attached to the packages of liquor sold under this Act including
42 the various kinds of official seals or labels for the different
43 classes or varieties or brands of liquors.

44 (h) Prescribing the kind, quantity, and character of liquors
45 which may be purchased or sold under any permits including the
46 quantity which may be purchased or sold at any one time or
47 within any specified period of time.

48 (i) Prescribing the duties of employees authorized to issue
49 permits or licenses under this Act.

50 (j) Prescribing subject to this Act, the days and hours
51 during which State Liquor Stores and special distrib-
52 utors shall be kept open for the purpose of the sale or dispensing
53 of liquors.

54 (k) Prescribing, subject to this Act, the records of sales
55 to permit holders and by those holding licenses, for the report
56 of the same to the commission and for the confidential character
57 of the reports or records of individual permit holders.

58 (l) Prescribing the place and the manner in which liquor
59 may be lawfully kept or stored by the licensed manufacturer under
60 this act.

61 (m) Prescribing the time, manner, means, and method by
62 which distillers, brewers, vendors, or others having permission
63 under this Act may deliver or transport liquors and prescribing
64 the time, manner, means, and methods by which liquor under this
65 Act may be lawfully conveyed, carried, or transported.

66 (n) Prescribing subject to the provisions of this Act, the
67 conditions and qualifications necessary for the obtaining of
68 licenses and the books and records to be kept and the remittance
69 to be made by those holding licenses and determining the number

70 of persons, firms, or corporations who shall be entitled to
71 licenses and providing for the inspection of the records of all
72 such licenses.

73 (o) Prescribing the conditions and qualifications necessary
74 for the obtaining of permits under this Act.

75 (p) Prescribing the purchase of liquor and furnishing
76 liquor to State Liquor Stores and special distributors
77 under this Act.

78 (q) The Iowa Liquor Control Commission shall prepare, print
79 and furnish all forms required under this Act.

1 Sec. 9. The Commission shall establish and maintain in any
2 city or incorporated town including cities under special charter
3 and cities under commission form of government, which the
4 commission may deem advisable a State Liquor Store or stores or
5 special distributors, as provided for in Section
6 ten (10) of this Act, for storage and sale of liquor in accor-
7 dance with the provisions of this Act and the regulations made
7 thereunder. The Commission may, from time to time, as determin-
9 ed by it, fix the prices of the different classes, varieties,
10 or brands of liquor to be sold.

1 Sec. 10. (1) In cities and towns where the establishment
2 of a State Liquor Store, under the provisions of this Act,
3 does not seem advisable, the Commission may select a special
4 distributor, who shall have been in business in and a resident
5 of such city or town not less than two (2) years immediately
6 prior to such appointment, to sell alcoholic liquors for con-

7 sumption off the premises; provided, however, that in no case
8 such special distributor shall be the holder of a class "B" permit
9 to sell beer as provided in Chapter 37 of the Acts of the Forty-
10 fifth General Assembly, nor shall such special distributor be
11 granted such beer permit while being such distributor.

12 (2) Special distributors shall be paid a sum to be
13 fixed by the Commission, but in no event shall this sum be in
14 excess of nine hundred dollars (\$900.00) per annum. All
15 alcoholic liquors sold by such distributors shall be sold
16 in the original package at the price fixed by the Commission,
17 without profit to the distributor, and in accordance with
18 the rules and regulations of the Commission.

19 (3) At any time, if in the judgment
20 of the Commission it shall appear advisable, the Commission
21 may establish a State Liquor Store in such town to replace the
22 special distributor.

23 (4) If, after a State Liquor Store has been in
24 operation in any town, such store should show a loss to the
25 State, the Commission may discontinue such store and select a
26 special distributor in accordance with the provisions of this Act.

27 (5) No special distributor shall be selected in
28 any city or town where there is a State Liquor Store in operation.

1 Sec. 11. In the conduct and management of State Liquor
2 Stores the commission is empowered to employ a person who shall
3 be known as a "vendor" who shall, subject to the directions of the
4 commission, observe all provisions of this Act and the rules and

5 regulations of the commission.

1 Sec. 12. The Liquor Control Commission shall prescribe from time
2 to time by rule or regulation the qualifications to be possessed by
3 persons desiring employment in State liquor stores or establishments.

1 Sec. 13. (1) A vendor or special distributor may not sell to any person
2 nor may any person purchase alcoholic liquors from such vendor unless the
3 person be the holder of a permit entitling such person to purchase
4 liquors under such permit in conformity with the provisions of
5 this Act and the regulations established by the commission.

6 (2) Before the vendor or special distributor shall sell or deliver
7 to any person any alcoholic liquors he shall,

8 (a) Have first demanded and received the permit or order
9 in writing dated and signed by the purchaser setting forth the
10 number of his permit, the kind and quantity of the liquor order-
11 ed or furnish such information in writing as may be determined
12 by the regulations established by the commission.

13 (b) Have received from the purchaser his permit and have
14 endorsed thereon the kind and quantity of liquor sold, the date
15 of sale and such other information as may be required by the
16 commission.

17 (c) Have demanded and received the purchase price of such
18 liquor in cash.

1 Sec. 14. No vendor, officer, clerk, servant, agent, or em-
2 ployee of the commission employed in any State Liquor Store,
3 State owned warehouse, or special distributor, shall
4 allow any alcoholic liquor to be consumed on the premises of

5 such State warehouse, store, or special distributor
6 nor shall any person consume any liquor on such premises.

1 Sec. 15. No alcoholic liquor shall be sold to any purchaser
2 except in sealed container with the official seal or label pre-
3 scribed by the commission and no such container shall be opened upon
4 the premises of any State warehouse, store or special
5 distributor. Such seal or label shall bear the seal of the commission and
6 a facsimile of the signature of the chairman of the Liquor
7 Control Commission and shall certify the quality, age, and contents
8 of the bottle or package on which it is affixed and must be attached
9 and sealed to all liquors sold in the State of Iowa. Possession
10 of alcoholic liquors bought or sold in the State of Iowa which
11 do not carry such label or seal shall be considered a violation
12 of this Act. No alcoholic liquor shall be labeled "Whisky" unless
13 it is a distillate of fermented mash of grain or mixture of grains.
14 Spirits, the alcoholic content of which is distilled of any other sub-
15 stance, must be labeled "imitation" No spirits shall contain any
16 substance, compound or ingredient which is injurious to health or
17 deleterious for human consumption.

1 Sec. 16. The commissioners shall post
2 a bond or bonds, at the expense of the State of Iowa, with such
3 sureties as the Executive Council of the State of Iowa shall
4 approve to guarantee to the State the proper handling and account-
5 ing of such monies and merchandise and other properties as may
6 be required in the administration of this Act. It shall be the
7 duty of the commission to secure from all agents, servants, and

8 employees of the commission holding positions of trust a bond or
9 bonds with such sureties as the commission will approve adequate to
10 guarantee to the State the proper handling and accounting of all
11 monies, merchandise and other properties.

1 Sec. 17. The commission, or any member of the commission,
2 shall not be personally liable for any action at law for damages
3 sustained by any person because of any action performed or done
4 by the commission, or any member of the commission, in the per-
5 formance of their respective duties in the administration and in
6 the carrying out of the purposes and provisions of this Act.

1 Sec. 18. It shall be unlawful to transact the sale or
2 delivery of any liquor in, on, or from the premises of any state
3 Liquor Store, special distributor or warehouse:

4 (a) After the closing hour as established by the commission.

5 (b) On any Legal Holiday.

6 (c) On any Sunday.

7 (d) On any National or State Election Day.

8 (e) On any municipal election day held in the municipality
9 in which such store, warehouse or special distributor
10 may be situated.

11 (f) During such other periods or days as may be designated
12 by the commission.

1 Sec. 19. It shall be unlawful to transport, carry or convey
2 liquors as defined by this Act from the place of purchase by the
3 Commission to any State Warehouse, store, special distributor or
4 depot established by the commission for the purposes of this Act or

5 from one such place to another and when so permitted by
6 this Act the regulations made thereunder and in accordance there-
7 with, it shall be lawful for any common carrier, or other person
8 to transport, carry, or convey liquor sold by a vendor or a special dis-
9 tributor from a State warehouse, store or depot to any place to which
10 the same may be lawfully delivered under this Act and the regula-
11 tions established by the commission; provided however, that no common
12 carrier or other person shall break, open, allow to be broken or opened
13 any container or package containing alcoholic liquor or to use
14 or drink or allow to be used or drunk any liquor therefrom while
15 in the process of being transported or conveyed; provided, however,
16 that nothing in this Act shall affect the right of any permit
17 holder to purchase, possess, or transport alcoholic liquors as
18 defined by this Act and subject to the provisions of this Act
19 and the regulations made thereunder.

1 Sec. 20. (1) There shall be two classes of permits under
2 this Act.

3 (a) Individual Permits.

4 (b) Special Permits.

5 (2) Upon application being made, in the form and manner
6 prescribed by the commission, to the commission, or to any agent
7 authorized by the commission to issue permits accompanied by
8 payment of the prescribed fee, and upon the commission or such
9 authorized agent being satisfied that the applicant has complied
10 with the rules and regulations established by the commission for
11 the issuance of such a permit for the purchase, possession and/or

12 transportation of alcoholic liquors under this Act, the commission or
13 such authorized agent shall issue to the applicant a permit of the
14 class applied for as follows:

15 (a) An “individual permit” in the form prescribed by the
16 commission may be granted to an individual of the full age of
17 twenty-one years who is not disqualified under the
18 provisions of this Act entitling the applicant to purchase
19 liquor or beverages for medicinal or personal purposes in
20 accordance with the terms and provisions of such permit and
21 the provisions of this Act by complying with such terms and condi-
22 tions as may be prescribed by the commission.

23 (b) A “special permit” in form as prescribed by
24 the Commission and subject to its issuance and/or use
25 to such rules and regulations as the Commission may adopt,
26 may be issued as provided in this section, notwithstanding
27 the other provisions of this Act, as follows:

28 [1] To a physician, pharmacist, dentist or veteri-
29 narian, which will entitle the holder to purchase liquor from
30 the State Liquor Stores or special distributors for use
31 medicinally and in compounding prescriptions and to sell the same
32 for use medicinally or in the compounded prescription only
33 upon the prescription of a licensed physician or surgeon,
34 and to purchase liquor from the State Liquor Stores or special
35 distributors for use in manufacturing or compounding lotions,
36 compounds, and other like commodities not susceptible for bever-
37 age purpose, and to sell the same for public use.

38 [2] To a soldier's home, sanitarium, hospital, college or
39 home for the aged which will entitle the holder to purchase
40 liquor from the State Liquor Stores or special distributors
41 for use for medicinal, laboratory and scientific purposes only.

42 (c) Notwithstanding any of the provisions of this
43 Act, patent and proprietary medicines, tinctures, food pro-
44 ducts, extracts, toilet articles and perfumes, and other
45 like commodities, none of which are susceptible of use as
46 a beverage, but which require as one of their ingredients
47 alcohol or vinous liquors, may be manufactured and sold with-
48 in this State, provided a special permit so to do is first
49 obtained, as in this subsection provided.

50 Any person, firm or corporation desiring such per-
51 mit shall file with the Liquor Commission the affidavit of
52 such person, member of the firm, secretary or other managing
53 officer of the corporation, as the case may be, stating there-
54 in the following facts:

55 [1] The name, place of business and Post Office address
56 of the person, firm or corporation desiring such permit.

57 [2] The business in which said person, firm or corpor-
58 ation is engaged and the articles manufactured by them which
59 require in their manufacture the use of alcohol or vinous
60 liquors.

61 [3] That neither the applicant, nor any member of the
62 firm, nor officer of the corporation has been convicted of
63 any violation of the laws of this State with reference to the

64 sale of intoxicating liquors within three (3) years last past
65 prior to the date of said affidavit.

66 If the Liquor Commission is satisfied that the
67 facts stated in said affidavit are true and that the appli-
68 cant is a person fit and proper to be entrusted with the per-
69 mit applied for, the same shall be issued upon the filing by
70 the applicant of a bond in the sum of Two Thousand Dollars
71 (\$2,000), with approved sureties, conditioned that the
72 applicant will faithfully observe the provisions of this
73 Act and the rules and regulations of the Commission.

74 Such "special permit" when so issued shall entitle the
75 holder thereof to import into the State, or purchase from licensed
76 distillers within the State or from the commission alcohol or vinous
77 liquors for use in manufacture, in accordance with the terms
78 of said permit, and to sell the product of such manufacture,
79 regardless of any of the other provisions of this Act with
80 respect to purchase and sale of alcohol or vinous liquors.

81 It shall be the duty of every manufacturer holding
82 such "special permit" under the provisions of this subsection
83 whenever such manufacturer shall purchase any alcoholic liquor from any
84 person, firm or corporation, other than the Liquor Commission,
85 immediately upon receipt thereof to file with the Liquor
86 Commission a report of the receipt of such liquor in accordance
87 with the rules and regulations as they may be established by
88 the Liquor Commission.

89 (3) Nothing in this Act shall prohibit the legitimate sale of patent

90 and proprietary medicines, tinctures, food products, extracts, toilet
91 articles and perfumes, and other like commodities, none of which
92 are generally classified or used as a beverage but which require as
93 one of their ingredients alcoholic or vinous liquors, through the
94 ordinary retail or wholesale channels.

1 Sec. 21. For an "individual permit" under clause (a) of subsec-
2 tion (2) issued after this act takes effect or upon the taking effect
3 of this act the fee shall be one dollar (\$1.00), and such permit shall
4 expire upon the 30th day of June, 1934. On all such permits issued
5 on or after July 1, 1934, the fee shall be one dollar (\$1.00), and
6 such permits shall expire on June 30th following date of issuance.

7 For a "special permit" under clause (b) of subsection
8 (2) of section 19 the fee shall be three dollars (\$3.00) per
9 year.

10 For a "special permit" under clause (c) of subsection
11 (2) of section 19 the annual fee shall be one dollar (\$1.00).

1 Sec. 22. A permit shall be a purely personal privilege and shall expire on
2 June thirtieth following date of issuance, except as provided in section
3 twenty, and shall be revocable for cause. It
4 shall not constitute property nor shall it be subject to attachment
5 and execution nor shall it be alienable nor assignable and in
6 any case it shall cease upon the death of the permittee. Every
7 permit shall be issued in the name of the applicant and no per-
8 son holding a permit shall allow any other person to use the
9 permit.

1 Sec. 23. No permit shall be issued or delivered to an applicant

2 for the same unless said applicant has in the presence of some
3 person duly authorized by the commission written his signature
4 thereon or filed his signature with such duly authorized person
5 in the manner prescribed by the regulations as fixed by the com-
6 mission for the purpose of the future identification of said per-
7 mit holder and until the signature has been witnessed and attested
8 to by such duly authorized official authorized to issue permits.

1 Sec. 24. Any permit holder whose permit has been lost, destroyed,
2 or stolen may make application to the commission or such other
3 duly authorized agent entitled to issue permits and upon satis-
4 factory proof of loss, destruction, or theft of said permit,
5 subject to the conditions contained in the regulations, may ob-
6 tain a duplicate permit in lieu of the permit so lost, destroyed,
7 or stolen for which duplicate permit a fee of Fifty Cents shall
8 be paid.

1 Sec. 25. Whenever the holder of any permit issued under the
2 provisions of this Act violates any of the provisions of this
3 Act or any regulations made thereunder or is an interdicted per-
4 son or is otherwise disqualified from holding such permit, the
5 commission, upon satisfactory proof of such fact, the existence
6 of such violation, the interdiction or disqualification of such
7 permit holder, may, in its discretion, with or without hearing,
8 suspend the permit and any and all rights of said permit holders
9 for such period of time as the commission may see fit or may
10 fully cancel said permit.

1 Sec. 26. Whenever a permit has been suspended or cancelled

2 as herein provided the holder of such permit shall forthwith
3 deliver the same to the commission. Upon failure of the permit
4 holder to deliver said permit to the commission upon request,
5 the commission shall forthwith cancel the same. In the case of
6 a suspension of the permit, the commission shall return the permit
7 to the holder at the expiration of such period of suspension.
8 Where the permit has been cancelled, the commission shall notify
9 the vendors, or such other persons as may be provided, in the
10 regulations made under this act, of the cancellation of said
11 permit and no permit shall thereafter be issued to such person
12 whose permit has been cancelled within a period of one (1) year
13 from the date of cancellation of said permit.

14 Whenever a permit shall be produced at a State owned ware-
15 house, store, or distributor as defined by this Act by a person
16 who is not the lawful holder thereof, or where any permit which has
17 been suspended or cancelled is produced at such warehouse or store,
18 the vendor or official in charge of such warehouse or store shall
19 retain such permit in his custody and forthwith notify the
20 commission of such fact and the commission shall, unless such
21 permit has been cancelled, forthwith cancel the same; Provided,
22 however, that the proper holder of any permit lost, destroyed,
23 or stolen may, upon satisfactory proof to the commission that he
24 was not a party to such improper use, obtain a return of such
25 permit and re-establish his rights thereunder.

1 Sec. 27. Nothing in this act shall affect the purchase
2 or use of sacramental wines to be used exclusively for

3 sacramental purposes.

1 Sec. 28. Without attempting or intending to limit the
2 powers and duties of the commission in the matter of the revocation
3 of permits for cause or for any good and sufficient reason, the
4 commission, municipal and district court are hereby empowered
5 to revoke the permit of any holder as defined in this Act upon
6 satisfactory proof of any of the following grounds or causes:

7 (a) Drunkenness.

8 (b) Simulation of Drunkenness.

9 (c) Non-support of family or dependents.

10 (d) Desertion of family or dependents.

11 (e) The commission of any misdemeanor or felony in which
12 the use of alcoholic liquor was a contributing factor.

1 Sec. 29. (1) Upon application in the prescribed form and
2 accompanied by the prescribed fee, the commission may in
3 accordance with this Act, and in accordance with the regulations,
4 made thereunder, grant special licenses to the following classes:

5 (a) Hotels.

6 (b) Restaurants.

7 (c) Clubs.

8 (2) "Hotel Licenses" shall allow the retail sale and
9 consumption of wines of natural fermentation by the patrons
10 of such hotel and the fee for such "hotel license" shall be in
11 the sum of seventy-five (\$75.00) Dollars.

12 (3) A "restaurant license" shall in all respects be identical
13 as to provisions, obligations and penalties with the "hotel license"

14 except that the business that is carried on shall be that of a
15 restaurant and not of a hotel and the fee for such license
16 shall be in the sum of seventy-five (\$75.00) Dollars.

17 (4) A "club license" to sell wines of natural fermentation
18 may be issued by the commission subject to the following
19 conditions, limitations, and restrictions:

20 (a) No license shall be issued to a proprietary club or one
21 operated for a pecuniary gain:

22 [1] Unless the premises occupied by such club be constructed,
23 equipped, managed and operated to the satisfaction of the
24 commission and in accordance with the provisions of this Act
25 and the regulations made thereunder.

26 [2] Unless such club through its duly elected officers shall,
27 at least thirty days prior to the date of application for license,
28 file with the commission notice of its intention to apply for
29 such a license, accompanied with a description of the premises
30 occupied or proposed to be occupied and a list of the paid up
31 membership of such club and those in good standing.

32 (b) A "club license" shall be issued in the name of the
33 club applying for the same and shall not be transferrable nor
34 assignable nor shall the holder of a club license allow any other
35 group or person to use the same.

36 For the purpose of considering and determining whether or
37 not a club license should be issued the commission may cause an
38 inspection to be made of the premises occupied by such club and
39 inquire into any and all matters concerning the establishment

40 constitution, or management of such club and the commission
41 may in its discretion grant or refuse such license. The commission
42 may, from time to time in the exercise of like discretion and,
43 with or without hearing, suspend or cancel any club license
44 and any or all rights of such club. Such licenses shall be either
45 suspended or cancelled in the discretion of the commission.

46 Whenever a club license has been suspended or cancelled as
47 herein provided the holder of such license shall forthwith
48 deliver the same to the commission. Upon failure of the club
49 license holder to deliver said license to the commission, the commission
50 shall forthwith cancel the same. In the case of the suspension of
51 said license, the commission shall return the license to the holder
52 at the expiration of such period of
53 suspension. Where the club license has
54 been either suspended or cancelled, the
55 commission shall notify all vendors in the municipality where
56 the club has its premises and such other persons as may be provided
57 for in the regulations under this Act made, of the fact of such
58 suspension or cancellation of licenses. In the event of the
59 cancellation of a club license, no license shall thereafter be issued
60 said club within the period of one (1) year from the date
61 of such cancellation of license.

62 Every club license issued under this section shall be subject to all
63 of the conditions and restrictions imposed by the Act and by the
64 regulations made thereunder.

65 Every licensed club shall post and keep posted its club license in a

66 prominent position or place on the club premises.

67 The fee for a club license as herein defined shall be in the
68 sum of fifty (\$50.00) Dollars.

69 Subject to the provisions of this section, and regulations
70 promulgated under this Act, the commission shall have authority
71 to issue a liquor license as provided for in this Act for any
72 premises kept or operated by a club as defined in this Act,
73 entitling such club to purchase wines of natural fermentation,
74 from a state liquor store, and to keep on the premises such wines
75 of natural fermentation, and, subject to the provisions of this
76 Act and the regulations made thereunder, to sell the same, to
77 members for consumption on the club premises.

78 (c) Every hotel, restaurant or club licensee may sell wines
79 of natural fermentation, in that part of the hotel, restaurant
80 or club habitually used for serving of meals to guests and
81 patrons, and in the case of hotels, to registered guests in their
82 rooms; and in the case of clubs, to members in private rooms
83 in the club. No hotel, restaurant or club licensee shall maintain
84 any counter or bar at or over which liquor is served to
85 guests or patrons. No licensee hereunder shall give away any food
86 of any kind in connection with the sale of such wines.

87 (5) All licenses shall expire one year after date
88 of issuance.

1 Sec. 30. (1) Upon application in the prescribed form and
2 accompanied by a fee of Two Hundred Fifty Dollars (\$250), the
3 commission may in accordance with this Act, and in accordance

4 with the regulations, made thereunder, grant a license, good for a
5 period of one year after date of issuance to a manufacturer which
6 shall allow the manufacture, storage and wholesale disposition and
7 sale of alcoholic liquors and wines to the commission and to
8 customers outside of the state.

1 Sec. 31. Upon application in the prescribed form and accompanied
2 by a fee of one hundred dollars (\$100) and subject to the provisions
3 of this Act and the rules and regulations of the commission, the
4 commission shall grant a license good for a period of one year after
5 date of issuance, to a wholesaler, which shall allow the wholesaler to
6 purchase alcoholic liquor from distillers either within or without
7 the State for the purpose of supplying the Commission and cus-
8 tomers of such wholesaler engaged in the sale of alcoholic liquor and
9 wines at retail outside of the State.

1 Sec. 32. As a condition precedent to the approval and granting
2 of any license to the manufacturer or wholesaler applying therefor,
3 there shall be filed with the commission a statement under oath that
4 the applicant is a bonafide manufacturer or wholesaler of alcoholic
5 liquors, and that the said applicant will faithfully observe
6 and comply with all rules and regulations of the commission then
7 existing, or thereafter made, and that he will in all respects
8 comply with the provisions of this Act; together with a bond
9 of Five Thousand Dollars (\$5,000) for a manufacturer and one
10 thousand dollars (\$1,000) for a wholesaler with a surety to be approved
11 by the commission; said bond to be in favor of the State of
12 Iowa for the benefit of the State in case of any violation of

13 this act.

1 Sec. 33. No manufacturer or wholesaler shall give away any alcoholic
2 liquor of any kind or description at any time in connection
3 with his business except for testing or sampling purposes only.

1 Sec. 34. No member or employee of the commission, directly
2 or indirectly, individually, or as a member of a partnership
3 or as a shareholder in a corporation shall have any interest
4 whatsoever in dealing in or in the manufacture of alcoholic
5 liquor nor receive any kind of profit whatsoever nor have any
6 interest whatsoever in the purchases or sale by the persons
7 authorized to purchase and sell alcoholic liquor except that no such
8 provisions shall prevent any such commissioner or employee from
9 purchasing and keeping in his possession for the personal use of
10 himself, or his family, or his guests any liquors which may be
11 lawfully purchased.

1 Sec. 35. No vender of any State Liquor Store or special
2 distributor shall sell any alcoholic liquor to any
3 individual permit holder except for cash.

1 Sec. 36. Except as otherwise provided, it is hereby made unlawful
2 for any person to use or consume any alcoholic liquors upon the
3 public streets or highways, or in any public place, and no person
4 shall be intoxicated nor simulate intoxication in a public place;
5 and any person violating any provisions of this section shall be fined
6 not to exceed one hundred dollars (\$100.00) or sentenced not to
7 exceed thirty (30) days in the county jail.

1 Sec. 37. Except in the case of liquor given or dispensed to

2 a person under the age of twenty-one years by parent or guardian
3 for beverage or medicinal purposes or as administered to him by
4 either the physician or dentist for medicinal purposes, no person
5 shall sell, give, or otherwise supply liquor to any such person
6 under the age of twenty-one years, or knowingly permit any
7 person under that age to consume alcoholic liquors.

1 Sec. 38. Except in the case of liquor supplied to an
2 interdicted person upon the prescription of a physician or
3 administered by either a physician or dentist for medicinal
4 purposes, no person shall procure for or sell or give to any
5 interdicted person any alcoholic liquors, nor directly or
6 indirectly, assist in procuring or supplying any alcoholic
7 liquors to an interdicted person.

1 Sec. 39. No person whose permit or license has been
2 cancelled shall within one year after date of such cancellation
3 make application for or receive another permit or license.

1 Sec. 40. (1) No person whose permit has been either
2 suspended or cancelled shall purchase or attempt to purchase
3 any alcoholic liquors during the period of such suspension
4 or cancellation.

5 (2) No person shall apply for the purchase of any alcoholic
6 liquors except in his own name.

7 (3) No person shall sell, dispense, or give to any
8 intoxicated person, or one simulating intoxication, any
9 alcoholic liquors.

1 Sec. 41. Except as permitted by Federal Statute and

2 regulations, there shall be no public advertisement or
3 advertising of alcoholic liquors in any manner or form within
4 the State of Iowa.

5 (1) No person shall publish, exhibit, or display or permit
6 to be displayed any other advertisement or form of advertisement,
7 or announcement, publication, or price list of, or concerning
8 any alcoholic liquors, or where, or from whom the same may be
9 purchased or obtained, unless permitted so to do by the
10 regulations enacted by the commission and then only in strict
11 accordance with such regulations.

12 (2) This section of the Act shall not apply, however,

13 (a) To the Iowa Liquor Control Commission.

14 (b) To the correspondence, or telegrams, or general
15 communications of the commission, or its agents, servants,
16 and employees;

17 (c) To the receipt or transmission of a telegram or
18 telegraphic copy in the ordinary course of the business of
19 such agents, servants, or employees of any telegraph company.

1 Sec. 42. No person not expressly authorized by this Act
2 to deal in alcoholic liquors shall within the State of Iowa
3 keep for sale, or offer for sale anything which is either
4 labelled or branded with the name of any kind of alcoholic
5 liquor whether the same contains any alcoholic liquor or not.

1 Sec. 43. Whenever it shall be established to the satisfaction
2 of either the commission or the judge of any superior, municipal
3 or district court that the holder of any permit defined under

4 this Act shall have been guilty of any of the grounds or causes
5 for the revocation of a permit, as set forth
6 in Section twenty-six of this Act, or who shall by the
7 excessive use of alcoholic liquors injure his health, impair, or
8 endanger the welfare of his family, misspend, squander, or waste
9 his estate, an order of interdiction may be made by either the
10 commission or the judge of any superior, municipal or district
11 court directing the suspension or cancellation of any permit and
12 prohibiting the sale of alcoholic liquors to such persons until
13 the further order of either the commission or the court making
14 such an order. In the event such order is made by the court, a
15 certified copy of the same shall be forthwith filed with the
16 commission. The commission or the court may as a part of its
17 order of interdiction in any such case provide and declare
18 forfeited any alcoholic liquor in the possession of such permit
19 holder or may take possession of and retain for such permit
20 holder any alcoholic liquors until such order of interdiction may
21 be satisfied, set aside, or modified by either the commission or
22 the court entering such order.

23 Whenever by satisfactory proof it shall appear to either the
24 commission or to the court making such an order of interdiction
25 that the interdicted person has purged himself of the conduct,
26 grounds, reasons, or causes for the suspension, cancellation, or
27 order of interdiction, the commission or the court making such an
28 order of interdiction may set aside or modify said order, and if
29 deemed advisable, in any such case reinstate said interdicted

30 person to his or her rights and privileges under this Act. Whenever
31 such order of interdiction has been made by or filed with the
32 commission, the commission shall forthwith notify the vendors of
33 such order of interdiction.

1 Sec. 44. For the purpose of enabling the Commission
2 to carry out the provisions of this Act, there is hereby
3 appropriated from the funds of the State Treasury not other-
4 wise appropriated the sum of five hundred thousand dollars
5 and the State Comptroller shall set aside from the appropriation
6 the amount necessary to be used by the Commission for the
7 purchase of alcoholic liquors and payment of such other ex-
8 penses as may be necessary to establish and operate State
9 Liquor Stores and special distributors in accordance with the
10 provisions of this Act and to perform such other duties as
11 are imposed upon it by this Act.

12 All money hereafter received by the Commission, in-
13 cluding any money received under the appropriation herein made,
14 shall constitute what shall hereafter be known as the Liquor
15 Control Act Fund. Whenever said Liquor Control Act Fund shall
16 have a balance in excess of the amount necessary to carry out
17 the provisions of this Act as determined and fixed from time to
18 time by the Comptroller, the Comptroller shall transfer such
19 excess to the general fund of the State Treasury,
20 which amount shall be used to reduce the general state
21 tax levy against real estate.

1 Sec. 45. It shall be the duty of the Commission or its

2 authorized agents to issue individual permits, to remit to the
3 Commission all fees received by them from the issuance
4 of individual permits and the Commission shall upon
5 receipt of such funds credit the same to the "Liquor Control Act Fund"
6 herein provided. The commission or authorized agents designated
7 to sell individual permits, shall report the fees received and
8 remit the same once each month, said report and remittances to
9 be made on or before the tenth day of the month succeeding
10 that for which the report is made.

1 Sec. 46. The appropriation hereby made shall be paid by the
2 Treasurer of State upon the orders of the Commission, in such
3 amounts and at such times as in the discretion of the Commission,
4 may be necessary to carry on operations in accordance with the
5 terms of this Act.

1 Sec. 47. It shall be the duty of the Commission to make a
2 report to the Governor of the State, ending with June 30th of
3 each year, showing fully the results of the
4 operations of the Commission covering the period since the
5 last previous report, and which report shall show :

- 6 1. Amount of profit or loss, if any, on account of State
7 Liquor Stores and special distributors.
- 8 2. Number of such Liquor Stores opened, the number closed,
9 and the number thereof operating on last day included in report.
- 10 3. Number of such special distributors appointed and
11 number of such appointments in force on last day shown in report.
- 12 4. Amount of fees received from such stores and amount of

13 fees received from such distributors, separately and in gross.

14 5. The amount of said Liquor Control Act fund then in the hands of
15 the Commission and also in the hands of the State Treasurer.

16 6. All other funds on hand and the source from which derived.

17 7. The total quantity and particular kind of alcoholic
18 liquor sold.

19 8. The increase or decrease of such liquor sales.

20 9. Number of arrests and/or convictions for violations of
21 this Act and/or any other law of this State pertaining to
22 alcoholic liquors.

23 In order that the said Commission may be provided with the
24 necessary information to make out the report required by this Act,
25 it shall be the duty of every Justice of the Peace, Police Court,
26 Mayor's Court and every Clerk of a Court of Record in this State
27 to forward to said Commission during the month of July of each
28 year a full and complete report of each case
29 commenced in the Court of such Justice, Police Court, Mayor's
30 Court, or any Court of Record, in which a violation of this Act
31 or any other law of this State pertaining to alcoholic liquors
32 was charged, and the disposition of the same.

1. Sec. 48. There is hereby granted unto said commission the
2 sole and exclusive right of importation, into the state, of all
3 forms of alcoholic liquor, except as otherwise provided in this Act,
4 and no person, partnership, club, corporation, or association shall so
5 import any such alcoholic liquor; and no distillery shall sell any
6 such alcoholic liquor within the State to any person, partnership, club,

7 corporation, or association but only to the commission, except as
8 otherwise provided in this Act, the intent hereof being to vest in
9 said commission exclusive control within the State of Iowa both as
10 purchaser and vendor of all alcoholic liquor sold by such distilleries
11 within the State of Iowa or imported therein, except beer as referred
12 to in Chapter thirty-seven and Chapter thirty-eight, Acts of the
13 Forty-fifth General Assembly of the State of Iowa and amendments
14 thereto, and except as otherwise provided in this Act.

.1 Sec. 49. This Act shall not impair or affect any act done,
2 offense committed or right accruing, secured or acquired, or
3 penalty, forfeiture or punishment incurred prior to the time
4 this Act takes effect, but the same may be enjoyed, asserted,
5 enforced, prosecuted or inflicted, as fully and to the same
6 extent as if this Act had not been passed.

1 Sec. 50. Notwithstanding anything in this Act contained, but
2 subject to any regulations or restrictions which the commission may
3 impose, manufacturers of native wines from grapes, cherries,
4 other fruit juices, or honey grown and produced in Iowa may sell,
5 keep, or offer for sale and deliver the same in such quantities as
6 may be permitted by the commission for consumption off the premises.

7 A manufacturer of native wines shall not sell such wines other-
8 wise than as permitted by this section or allow any wine so sold,
9 or any part thereof, to be drunk upon the premises of such manu-
10 facturer. Notwithstanding anything in this act contained, any
11 person may manufacture native wine as herein defined for con-
12 sumption on his own premises.

1 Sec. 51. The Auditor of State shall cause the financial
2 condition and transactions of all offices, departments, stores,
3 warehouses, depots and liquor transactions of special
4 distributors of the Iowa Liquor Control Commission
5 to be examined at least once each year by the State Examiners of
6 accounts and at shorter periods if requested by the Commission,
7 Governor, or Executive Council.

1 Sec. 52. All provisions of Chapter seven (7) of the Acts
2 of the Forty-fifth (45) General Assembly of the State of Iowa
3 relating to auditing of financial records of governmental
4 sub-divisions which are not inconsistent herewith are hereby
5 made applicable to the Iowa Liquor Control Commission, the liquor
6 transactions of its special distributors and any
7 of its offices, stores, warehouses and depots.

1 Sec. 53. Any person who shall, by himself, or his employee,
2 servant, or agent, for himself or any person, company or corporation,
3 keep or carry around on his person, or in a vehicle, or leave in a
4 place for another to secure, any alcoholic liquor as herein
5 defined, with intent to sell or dispense of the same by gift or
6 otherwise, or who shall, within this state, in any manner,
7 directly or indirectly, solicit, take or accept any order for the
8 purchase, sale, shipment or delivery of such alcoholic liquors in
9 violation of this Act, or aid in the delivery and distribution of
10 any alcoholic liquors so ordered or shipped, or who shall in any
11 manner procure for, or sell or give any alcoholic liquors to any
12 minor or interdicted person, for any purpose except as authorized

13 and permitted in this Act, shall be termed a bootlegger and upon
14 conviction shall be sentenced to the county jail or the penitentiary,
15 in the discretion of the court, for a period not exceeding one year.

1 Sec. 54. The building, erection, or place, or the ground
2 itself, in or upon which the unlawful manufacture or sale, or
3 keeping with intent to sell, use or give away, any alcoholic
4 liquors is carried on or continued or exists, and any vehicle
5 or other means of conveyance used in transporting such liquor
6 in violation of this Act, and the furniture, fixtures, vessels
7 and contents, kept or used in connection therewith, are declared
8 a nuisance and shall be abated as in this Act provided.

1 Sec. 55. Whoever shall erect, establish, continue or use any
2 building, erection or place for any of the purposes prohibited in
3 the immediately preceding section, is guilty of a nuisance and
4 upon conviction shall be punished by a fine of not less than three
5 hundred dollars (\$300), nor more than one thousand dollars (\$1000),
6 or imprisonment in the county jail not exceeding one (1) year, or
7 by both such fine and imprisonment and shall stand committed until
8 such fine imposed is paid.

1 Sec. 56. Actions to enjoin nuisances shall be brought in equity
2 in the name of the State by the County Attorney who shall prosecute
3 the same to judgment.

1 Sec. 57. In such action, the Court or a judge in vacation,
2 shall, upon the presentation of a Petition therefor, allow a
3 temporary writ of injunction without bond, if it shall be made
4 to appear to the satisfaction of the Court or judge by evidence in

5 the form of affidavits, depositions, oral testimony or otherwise,
6 that the nuisance complained of exists.

1 Sec. 58. Three (3) days' notice in writing shall be given
2 the defendant of the hearing of the application, and if then
3 continued at his instance the writ as prayed shall be granted
4 as a matter of course.

1 Sec. 59. When an injunction has been granted, it shall be
2 binding upon the defendant throughout the state and any violation
3 of the provisions of this Act anywhere within the state shall be
4 punished as a contempt, as herein provided.

1 Sec. 60. The action, when brought, shall be triable at the
2 first term of court after due and timely service of notice of
3 the commencement thereof has been given.

1 Sec. 61. In all actions to enjoin a nuisance or to establish
2 a violation of the injunction, evidence of the general reputation
3 of the place described in the Petition or Information shall be
4 admissible for the purpose of proving the existence of the
5 nuisance or the violation of the injunction.

1 Sec. 62. In the case of a violation of any injunction
2 granted under the provisions of this Act, the Court, or in
3 vacation a judge thereof, may summarily try and punish the
4 defendant. The proceedings shall be commenced by filing with
5 the Clerk of the Court an Information under oath setting out the
6 alleged facts constituting such violation, upon which the Court
7 or judge shall cause a warrant to issue under which the defendant
8 shall be arrested.

1 Sec. 63. The trial shall be as in equity and may be had
2 upon depositions, or either party may demand the production and
3 oral examination of the witnesses.

1 Sec. 64. A party found guilty of contempt under the provisions
2 of the preceding section of this Act shall be punished by a fine
3 of not less than three hundred dollars (\$300), nor more than one
4 thousand dollars (\$1000), or by imprisonment in the county jail
5 not less than six (6) months, nor more than twelve (12) months,
6 or by both such fine and imprisonment.

1 Sec. 65. A bootlegger as defined in this Act may be restrained
2 by injunction from doing or continuing to do any of the acts
3 prohibited herein, and all the proceedings for injunctions,
4 temporary and permanent, and for punishments for violation of
5 the same as prescribed herein, shall be applicable to such person,
6 company, or corporation, and the fact that an offender has no
7 known or permanent place of business, or base of supplies, or
8 quits the business after the commencement of an action, shall
9 not prevent a temporary or permanent injunction, as the case
10 may be, from issuing.

1 Sec. 66. In no case shall a bootlegger injunction proceeding,
2 as provided in this Act, be maintained unless it be shown to
3 the Court that efforts in good faith have been made to discover
4 the base of supplied or place where the defendant charged as a
5 bootlegger conducts his unlawful business or receives or manufactures
6 the alcoholic liquors, of which he is charged with bootlegging.

1 Sec. 67. If the existence of the nuisance be established

2 in a civil or criminal action, an order of abatement shall be
3 entered as a part of the judgment in the case, which order
4 shall direct the confiscation of the alcoholic liquors by the
5 State of Iowa, and in case a vehicle or other means of conveyance
6 is abated, the sale thereof as hereinafter provided, the removal from
7 the building or place of all fixtures, furniture, vessels or
8 movable property used in any way in conducting the unlawful business
9 and sale thereof, in the manner provided for the sale of chattels
10 under execution, and the effectual closing of the building, erection
11 or place against its use for any purpose prohibited in this Act,
12 and so keeping it for a period of one year unless sooner released.

1 Sec. 68. If any one shall break into or use a building or
2 place so directed to be closed, he shall be punished as for
3 contempt, as provided in this Act.

1 Sec. 69. For removing and selling the movable property, the
2 officer shall be entitled to charge and receive the same fees
3 as he would for levying upon and selling like property on
4 execution; and for closing the premises and keeping them closed
5 a reasonable sum shall be allowed by the Court.

1 Sec. 70. The proceeds of the sale of the personal property
2 in abatement proceedings shall be applied first in payment of the
3 costs of the action and abatement, and second to the satisfaction
4 of any fine and costs adjudged against the proprietor of the
5 premises and keeper of said nuisance, and the balance, if any,
6 shall be paid to the defendant.

1 Sec. 71. If the owner appears and pays all costs of the

2 proceeding and files a bond with sureties to be approved by the
3 Clerk in the full value of the property, to be ascertained by the
4 Court, or in vacation by the Clerk, auditor and treasurer of the
5 county, conditioned that he will immediately abate said nuisance
6 and prevent the same from being established or kept therein within
7 a period of one year thereafter, the Court, or in vacation a judge,
8 may, if satisfied of his good faith, order the premises closed
9 under the order of abatement to be delivered to said owner and
10 the said order of abatement cancelled, so far as same may relate
11 to said property.

1 Sec. 72. If the proceeding be an action in equity and said
2 bond be given and costs therein paid before judgment, and order
3 of abatement, the action shall thereby be abated as to said
4 building only.

1 Sec. 73. The release of the property under the provisions
2 of either of the two preceding sections shall not release it
3 from any judgment lien, penalty or liability, to which it may be
4 subject by law.

1 Sec. 74. Undertakings of bonds for abatement shall immediately
2 after filing by the Clerk of the District Court be docketed and
3 entered upon the lien index as required for judgments in civil
4 cases, and from the time of such entries shall be liens upon real
5 estate of the persons executing the same, with like effect as
6 judgments in civil actions.

1 Sec. 75. Attested copies of such undertakings may be filed
2 in the office of the Clerk of the District Court of the county

3 in which the real estate is situated in the same manner and with
4 like effect as attested copies of judgments, and shall be
5 immediately docketed and indexed in the same manner.

1 Sec. 76. If the owner of a property who has filed such
2 abatement bond as in this chapter provided fails to abate the
3 said liquor nuisance on the premises covered by the bond, or fails
4 to prevent the maintenance of any liquor nuisance on said
5 premises at any time within the period of one year, the Court
6 must, after a hearing in which the said fact is established
7 direct an entry of such violation of the terms of his said bond,
8 to be made on the record and the undertaking of his bond is
9 thereupon forfeited.

1 Sec. 77. A proceeding to forfeit an abatement bond shall be
2 commenced by filing with the Clerk of the Court, by the County
3 Attorney of the county where the bond is filed, an application
4 under oath to forfeit said bond, setting out the alleged facts
5 constituting the violation of the terms of said bond, upon which
6 the judge or court shall direct by order attached to said
7 application that a notice be issued by the Clerk of the District
8 Court directed to the principal and sureties on said bond to
9 appear at a certain date fixed to show cause, if any they have,
10 why the said bond should not be forfeited and judgment entered
11 for the penalty therein fixed.

1 Sec. 78. The trial shall be to the Court and as in equity,
2 and be governed by the same rules as to evidence as in contempt
3 proceedings.

1 Sec. 79. If the Court after hearing finds a liquor nuisance
2 has been maintained on the premises covered by the abatement
3 bond and that liquor has been sold or kept for sale on the
4 premises contrary to law within one year from the date of the
5 giving of said bond, then the Court shall order the forfeiture
6 of the bond and enter judgment for the full amount of said bond
7 against the principal and sureties thereof, and the lien on the
8 real estate heretofore created shall be decreed foreclosed and
9 the court shall provide for a special and general execution for
10 the enforcement of said decree and judgment.

1 Sec. 80. Appeal may be taken as in equity cases and the cause
2 be triable de novo except that if the State appeals it need not
3 file an appeal or supersedeas bond.

1 Sec. 81. It shall be the duty of the County Attorney to
2 prosecute in the name of the State of Iowa all forfeitures of
3 abatement bonds and the foreclosures of same.

1 Sec. 82. It shall be a misdemeanor for any peace officer
2 to delay service of original notices, writs of injunction, writs
3 of abatement or warrants for contempt in any equity case filed
4 for injunction or abatement by the State of Iowa.

1 Sec. 83. On the issue whether a party knew or ought to
2 have known of such nuisance, evidence of the general reputation
3 of the place shall be admissable.

1 Sec. 84. Information or indictments under this Act may
2 allege any number of violations of its provisions by the same
3 party, but the several charges must be set out in separate counts,

4 and the accused may be convicted and punished upon each one as on
5 separate informations or indictments, and a separate judgment
6 shall be rendered on each count under which there is a finding
7 of guilty.

1 Sec. 85. Unless other penalties are herein provided, any person
2 who violates any of the provisions of this Act, or who makes a false
3 statement concerning any material fact in submitting an application
4 for a permit or license, shall be punished by a fine or not less than
5 three hundred dollars (\$300) nor more than one thousand dollars
6 (\$1000), or by imprisonment in the county jail for not less than
7 three (3) months nor more than one (1) year, or by both such
8 fine and imprisonment.

1 Sec. 86. Any member, secretary, officer or employee of the
2 Commission who shall knowingly or wilfully violate any of the
3 provisions of this act, or knowingly and wilfully aid, assist or
4 permit any such violation, shall be guilty of a misdemeanor and
5 be punishable by fine of not to exceed \$1,000.00, nor less than
6 \$300.00, or by imprisonment in the County Jail for not less than
7 three months, nor more than one year, or by both such fine and
8 imprisonment.

9 Section thirteen thousand two hundred ninety-three (13,293),
10 Code, 1931, is hereby made applicable to the members and employees
11 of the Liquor Control Commission.

1 Sec. 87. Should any section, clause, sentence, or provision
2 of this Act, be held to be invalid for any reason, such holding or
3 decree shall not be construed as affecting the validity of any

4 of the remaining portions of this Act, it being the intent of the
5 Legislature that this Act shall stand and the Legislature would
6 have adopted the remainder of this Act, notwithstanding the
7 invalidity of any such section, clause, sentence, or provision.

1 Sec. 88. Enforcement Agencies. In every county in
2 Iowa the county attorney will constitute the head of the
3 enforcement provision for the Iowa liquor control commission.
4 As supplementary aids to such attorney the sheriff and his
5 deputy, or deputies, and the police department of every
6 city, this to include the day and night marshal of every
7 incorporated town.

8 Any neglect, misfeasance, or malfeasance shown by any peace
9 officer included in this section will be sufficient cause for his
10 removal as provided for by the statutes of the State of Iowa.

1 Sec. 89. No repeal declared in this act shall be deemed to affect
2 the validity or continued operation of any existing permit issued
3 under chapters one hundred (100) to one hundred four (104),
4 inclusive, of the Code, 1931, until said permits are formally termi-
5 nated by the Commission and the power to terminate is hereby
6 vested in the Commission.

1 Sec. 90. This Act being deemed of immediate importance, it
2 shall be in effect upon its publication in the Evening
3 Democrat, a daily newspaper published in the city of Fort Madison,
4 Iowa, and in the Ottumwa Daily Courier, a daily newspaper published
5 in the city of Ottumwa, Iowa.